

STATE LIBRARY OF PENNSYLVANIA



3 0144 00620428 3

PY C758-11/8

V. 2

CLASS ~~P38.7~~

BOOK ~~4.47j~~

C. 2

VOLUME ~~1920j~~

~~V. 2, C. 2~~



PENNSYLVANIA
STATE LIBRARY



Digitized by the Internet Archive
in 2015

COMMONWEALTH OF PENNSYLVANIA

THE COMMISSION ON
CONSTITUTIONAL AMENDMENT AND REVISION

Created by the Act of June 4, A. D. 1919, P. L. 388



APPENDIX

To Volume 1

Reports From Committees
Memoranda and Briefs
Constitution of 1873
Tentative Draft of Constitution
Indexes

VOLUME 2.

J. L. L. KUHN, PRINTER TO THE COMMONWEALTH
HARRISBURG, PENNA.

PY C758.11/8
v. 2
c. 2



THE COMMISSION ON
CONSTITUTIONAL AMENDMENT AND REVISION

Members:

William I. Schaffer, Chairman
George E. Alter
Hampton L. Carson
John P. Connelly
Thomas DeWitt Cuyler
Charles H. English
John S. Fisher
Edward J. Fox
James Gay Gorden
John P. Kelly
Vance C. McCormick
Mrs. John O. Miller
R. L. Munce
A. Mitchell Palmer (resigned))
George Wharton Pepper
William Perrine
Gifford Pinchot
James H. Reed
Isaac Sharpless (deceased)
Edgar Fahs Smith
Edward J. Stackpole
Mayer Sulzberger
Francis Newton Thorpe
Chester J. Tyson
John A. Voll
Mrs. Barclay H. Warburton
William B. Wilson (resigned)

253803

William Draper Lewis, Secretary
Matthew H. Taggart, Assistant Secretary



REPORTS
FROM
COMMITTEES



REPORT No. 1.

Wednesday, December 10, 1919.

COMMITTEE No. 1.

REPORT No. 1.

(Journal page 20.)

To The Committee on Constitutional Amendment and Revision:
This committee respectfully reports:

PREAMBLE AND ARTICLE 1.

The preamble of the Constitution and article I thereof, the Declaration of Rights, to remain without change.

ARTICLE II.

Sections 1, 2, 3, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 to remain without change.

Section 4 to remain without change except for striking out all words after "Governor" in line 4.

Section 6 to be amended to read as follows:

Section 6. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office or place of profit under this commonwealth, which shall have been created or the emoluments whereof increased during such time; and no member of Congress or other person holding any civil office (except of attorney-at-law) under the United States or this commonwealth shall be a member of either House during his continuance in office.

GEORGE E. ALTER,
Acting Chairman.

REPORT No. 2.

Wednesday, December 10, 1919.

COMMITTEE No. 3.

REPORT No. 1.

(Journal page 20.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE VIII.

Section 1 to remain as in the present Constitution except for striking out the word "male" after the word "Every" in line 1, and inserting the words "or other qualifications" after the word "registration" in line 4.

Section 2 to remain without change.

Section 3 referred to Committee No. 2.

Sections 4, 5 and 6 to remain without change.

Section 7 referred to Committee on Municipal Government.

Section 8 to remain without change.

Section 9 to remain without change, except the omission of the words "absolutely for a term of four years."

Section 10 to remain without change.

Section 11 referred to Committee on Municipal Government and also to Committee No. 2.

Sections 12, 13 and 14 to remain without change.

Section 15 referred to Committee on Municipal Government.

Section 16 referred to Committee No. 2.

Section 17 to remain without change.

FRANCIS NEWTON THORPE,
Chairman.

 REPORT No. 3.

Wednesday, December 10, 1919.

COMMITTEE No. 4.

REPORT No. 1.

(Journal page 21.)

To The Commission on Constitutional Amendment and Revision:

This committee respectfully reports:

The committee met, with four members present, effected an organization, established a working contact with the Secretary of the Commission, Dr. Lewis, and requested the preparation by him of certain data for use in the committee deliberations.

ARTICLE IX.

Sections 7 to 10, inclusive, and section 15 referred to Committee No. 5.

Sections 3, 5, 11, 12 and 13 to remain without change.

GEORGE WHARTON PEPPER,
Chairman.

REPORT No. 4.

Wednesday, December 10, 1919.

COMMITTEE No. 2.

REPORT No. 1.

(Journal page 24.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE VI.

Sections 1, 2 and 3 to remain without change.

Section 4 to remain as in present Constitution except for striking out of the third line the words "shall be removed" and adding in the fourth line, after the words "infamous crime" the words "in addition to the penalties provided by law, the court shall order the removal of such officer from office."

ARTICLE VII.

Section 1 to remain as in the present Constitution except for the insertion of the words "and of the superior court" in the third line of the second clause after the words "the supreme court."

HAMPTON L. CARSON,
Chairman.

REPORT No. 5.

Wednesday, December 10, 1919.

COMMITTEE No. 5.

REPORT No. 1.

(Journal page 24.)

To the Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE IX.

Section 7 to remain without change.

Section 9 to remain without change.

ARTICLE X.

Section 2 to remain without change.

Section 3 to remain without change.

EDGAR FAHS SMITH,
Chairman.

REPORT No. 6.

Thursday, December 11, 1919.

COMMITTEE No. 1.

REPORT No. 2.

(Journal page 32.)

To The Commission on Constitutional Amendment and Revision:

This committee respectfully reports:

ARTICLE III.

Section 1 to remain without change.

Section 2 to be amended to read as follows:

Section 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. Every bill before final passage shall be punctuated with such punctuation as it is intended to contain.

Section 3 to remain without change.

Section 4 to be amended to read as follows:

Section 4. Every bill shall be read on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Section 5 to remain without change.

Section 6 to be amended to read as follows:

Section 6. No law shall be revided, amended or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length. Every law creating any general system may be given a short title or designation, and any bill amending or reviving the same may recite only such short title or designation and the date of the approval of said law.

Section 7, clauses 1 to 20, both inclusive, to remain without change.

Section 7, clause 21, to be amended to read as follows:

Affecting the estates of minors or persons under disability.

Section 7, clauses 22 to 28, both inclusive, to remain without change.

Section 8 to remain without change.

Section 9 to remain without change.

Section 10 to remain without change.

Section 11 to remain without change.

Section 12 to be amended to read as follows:

Section 12. The printing and binding of the laws, journals, bills, documents and papers of the general assembly and the printing and binding required for the other departments shall be let on contract or done directly by the state in such manner as shall be prescribed by law. All furnishings and fuel for

the capitol buildings and all paper and stationery required for the legislative and other departments shall be procured under contract. All contracts comprehended by this section shall be awarded to the lowest responsible bidder under such regulations as shall be prescribed by law, and shall be subject to the approval of the Auditor General and State Treasurer; no member or officer of any department of the government shall be in any way interested in such contracts.

Section 13 to remain without change.

Section 14 to remain without change.

Section 15 to be amended to read as follows:

Section 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the commonwealth, interest on the public debt and for the public schools; appropriations to penal, charitable and educational institutions may be made in one or more bills as the legislature shall determine. All other appropriations shall be made by separate bills, each embracing but one subject.

Section 16 to remain without change.

Section 17 to remain without change.

Section 18 to be amended to read as follows:

Section 18. No appropriation shall be made for charitable, educational or benevolent purposes to any person or community, nor to any institution, corporation or association in which there is denominational or sectarian instruction given, or which is not open for the admission of any persons without distinction as to denomination or sectarian beliefs. This section shall not prohibit appropriations for pensions or gratuities for military services, for the retirement of judges and employes of the state or state institutions or for the retirement of employes of the public school system.

Section 19 to remain without change.

Section 20 to be amended to read as follows:

Section 20. The general assembly shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever; but the foregoing provisions of this section shall not prohibit the passage of laws authorizing municipalities as a class to create commissions to act in an advisory capacity, or the passage of laws creating commissions with general jurisdiction over all municipalities.

Section 21 to remain without change.

Section 22 to be eliminated entirely.

Section 23 to remain without change.

Section 24 to remain without change.

Section 25 to be amended to read as follows:

Section 25. When the general assembly shall be convened in special session, the legislation at such special session shall be limited to the subjects designated either in the proclamation of the Governor calling such session, or in communications made by the Governor thereto.

Section 26 to remain without change.

Section 27 to be entirely eliminated.

Section 28 to remain without change.

Section 29 to remain without change.

Section 30 to remain without change.

Section 31 to remain without change.

Section 32 to remain without change.

Section 33 to remain without change.

This article should be further amended by adding thereto the following as the last section:

Section (New). The legislature shall have power to classify counties, cities, boroughs, school districts and townships according to population, and all laws passed relating to such classes shall be deemed general legislation within the meaning of this Constitution, but counties, cities and school districts shall not be divided into more than seven classes, and boroughs and townships into more than five classes.

ARTICLE IV.

Section 1 to amended to read as follows:

Section 1. The executive department of this commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, Superintendent of Public Instruction, and the heads of such state departments as may exist from time to time by legislative enactment.

Section 2 to remain without change.

Section 3 to be amended to read as follows:

Section 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election.

Sections 4, 5, 6 and 7 to remain without change.

Section 8 to be amended to read as follows:

Section 8. The Governor shall nominate and, by and with the advice and consent of a majority of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint.

In offices to which he may appoint, the Governor shall have power to fill all vacancies that may occur during the recess of the Senate or within ten days before final adjournment, by granting commissions which shall expire at the end of their next session, but before final adjournment of such session he shall nominate some one for the full or unexpired term as the case may require; failure of the Governor to so nominate shall be equivalent to a rejection of any person commissioned during such session or the recess following the final adjournment of the same. He shall have power to fill any vacancy that may occur during the recess of the Senate or within ten days before final adjournment in the office of the Auditor General, State Treasurer, Secretary of Internal Affairs, in a judicial office, or in any other elective office which he is or may be authorized to fill.

If a vacancy occurs during a session of the Senate in an appointive or elective office, except within ten days before final adjournment, the Governor shall not appoint, as in the case of a recess vacancy, but shall nominate to the Senate before final adjournment a proper person to fill said vacancy; failure of the Governor to so nominate shall be equivalent to a rejection of any person commissioned during such recess following the final adjournment thereof. In the case of a recess or session vacancy in an elective office a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall occur within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office.

No person nominated for an office of trust or profit under the government of this state who fails to receive confirmation before recess, shall be eligible to appointment to such office during such recess. In acting on executive nominations, the Senate shall sit with open doors, and, in confirming or rejecting nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

Sections 9, 10, 11, 12 and 13 to remain without change.

Section 14 to be amended to read as follows:

Section 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the Senate; and the president pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate; and the Secretary of the Commonwealth, or in case of a vacancy in that office then the Attorney General shall, in like manner, become Governor if a vacancy or disability shall occur in the office of the Governor during a vacancy in both the office of Lieutenant Governor and the office of president pro tempore of the Senate.

Section 15 to remain without change.

Section 16 to be amended to read as follows:

Section 16. The Governor shall have power to disapprove of or reduce any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Sections 17, 18, 19, 20, 21 and 22 to remain without change.

GEORGE E. ALTER,
Acting Chairman.

REPORT No. 7.

Thursday, December 11, 1919.

COMMITTEE No. 3.

REPORT No. 2.

(Journal page 33.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE XII.

Section 3 to be stricken out of the article.

ARTICLE XIII.

Section 1 to remain without change.

ARTICLE XIV.

Sections 1 and 2 referred to Committees Nos. 2 and 5.

Sections 3, 4 and 6 to remain without change.

Section 7 to be amended to read as follows:

Three county commissioners and three county auditors shall be elected in each county where such officers are chosen in the year one thousand nine hundred and twenty-three; one for two years; one for four years; and one for six years; and, every two years thereafter, one for six years; and in the election of said officers each qualified elector shall vote for one person, and the person having the highest number of votes shall be elected for the term of six years; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

FRANCIS NEWTON THORPE,
Chairman.

REPORT No. 8.

Thursday, December 11, 1919.

COMMITTEE No. 4.

REPORT No. 2.

(Journal page 33.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE IX.

The committee has taken steps to formulate for further consideration the several amendments which have been proposed in connection with sections included in article IX. When these proposals have been formulated the committee will proceed with a comparative study of them and reach a determination as to which, if any, of them should be recommended to the Commission.

ARTICLE XVI.

Sections 1, 2, 3, 5 and 8 to remain without change.

GEORGE WHARTON PEPPER,
Chairman.

REPORT No. 9.

Tuesday, January 6, 1920.

COMMITTEE No. 3.

REPORT No. 3.

(Journal page 143.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE VIII.

Section 1 to remain without change except for inserting "and such educational qualifications as the general assembly may superadd" after the word "qualifications" in line 2, and omitting clause 4.

ARTICLE XIV.

Section 1. Omit "coroners" and "surveyors."

Section 5. Substitute the following:

All county officers shall be paid by salary only for services performed for the county, state or any political subdivision of either, and all laws providing any other form of compensation for such services are hereby declared to be repealed.

FRANCIS NEWTON THORPE,
Chairman.

REPORT No. 10.

Wednesday, January 7, 1920.

COMMITTEE No. 1.**REPORT No. 3.**

(Journal page 175.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE III.

Section 3, which was originally reported to stand without amendment, should be amended as follows:

The general assembly may from time to time adopt codes, compilations or revisions of the existing statutory laws of the commonwealth, or any part thereof, but no alterations, amendments or additions to such codes, compilations or revisions, and no other bills, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Section 13. This section was amended by the Committee of the Whole, but on consideration, Committee No. 1 has deemed it advisable to recommend the following draft in lieu of that adopted by said Committee of the Whole:

No term of any public officer shall be extended nor his salary or emoluments increased or diminished, except the salary or emoluments of judges, after his election or appointment.

Section 17 was referred back to the committee for further consideration. Although not unanimous as to its merits, the committee deemed it proper to report the following for further consideration of the Committee of the Whole:

Appropriations for charitable, educational or benevolent purposes may be made to a corporation or association not under the control of the commonwealth, but engaged in work or service deemed by the general assembly to be for the public good; provided, that such work or service conforms to such standards of excellence as may be prescribed by general law or by an executive agency established by general law; and provided further, that the benefits of such work or service are in no way dependent upon religious belief of denominational connection; and provided further, that every such appropriation shall be made by a vote of two-thirds of the members elected to each House. No such appropriation shall be made to any person or community; but this prohibition shall not affect appropriations for pensions or rewards for military service or for the retirement of judges or of employes of the state, or a state institution or of the public school system.

Section 20. This section was originally reported by Committee No. 1 with an amendment. Said amendment was deemed by certain

members of the Commission to be a probable interference with certain agencies now obtaining in some of the municipalities of the commonwealth. The nature of these agencies are so diverse, and the possibilities so strong that there are others existing to which the attention of the committee has not been called, it has been deemed advisable to now report that this section should stand without amendment.

Section 22 was originally reported for complete elimination. This report was not accepted and, after certain suggested amendments, was referred to Committee No. 1 for further consideration. The committee now reports that this section should be amended to read as follows:

No act of the general assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the stock of any private corporation nor in private corporate bonds not approved by the legislature or some authority empowered thereby. Such acts now existing are avoided saving investments heretofore made.

Section 24, relating to certain securities now held by the state, was referred back to the committee for investigation and possible amendment. The committee finds that there is no occasion to change this section, and therefore again reports that this section should stand without amendment.

Section 33. This section, providing a classification for the purpose of legislation, was recommended by Committee No. 1. It was referred back for further consideration. The committee now reports and recommends for adoption the following:

Section 33. For the purpose of legislation, the general assembly shall have power to classify counties, cities, boroughs, school districts and townships according to population; but counties, cities or school districts shall not be divided into more than seven classes, and boroughs or townships into more than five classes.

ARTICLE IV.

253809

Section 8 was originally reported by the committee to be amended. It was referred back with the direction to redraft so as to make the office of Secretary of Internal Affairs a constitutionally appointive office instead of a constitutionally elective office. Pursuant to that instruction, your committee now reports and recommends the following:

Section 8. The Governor shall nominate and, by and with the advice and consent of a majority of all the members of the Senate, appoint a Secretary of the Commonwealth, an Attorney General and a Secretary of Internal Affairs during his pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint.

In offices to which he may appoint, the Governor shall have power to fill all vacancies that may occur during the recess of the Senate or within ten days before final adjournment, by granting commissions which shall expire at the end of their next session, but before final adjournment of such session he shall nominate some one for the full or unexpired term as the case may require; failure of the Governor to so nominate shall

be an equivalent to a rejection of any person commissioned during such session or the recess following the final adjournment of the same. He shall have power to fill any vacancy that may occur during the recess of the Senate or within ten days before the final adjournment in the office of the Auditor General, State Treasurer, in a judicial office, or in any other elective office which he is or may be authorized to fill.

If a vacancy occurs during the session of the Senate in an appointive or elective office, except within ten days before final adjournment, the Governor shall not appoint as in the case of a recess vacancy, but shall nominate to the Senate before final adjournment a proper person to fill said vacancy; failure of the Governor to so nominate shall be equivalent to a rejection of any person commissioned during such session or the recess following the final adjournment thereof. In the case of a recess or session vacancy in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall occur within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office.

No person nominated for an office of trust or profit under the government of this state, who fails to receive confirmation before recess, shall be eligible to appointment to such office during recess. In acting on executive nominations, the Senate shall sit with open doors, and in confirming or rejecting nominations of the Governor the vote shall be taken by yeas and nays and shall be entered on the journal.

Section 21. This section originally reported to stand without amendment was referred back with the direction to redraft so as to harmonize with the suggestion that the office of Secretary of Internal Affairs shall be a constitutionally appointive office. Pursuant to that direction, your committee reports and recommends the following:

Section 21. The terms of the Auditor General and State Treasurer shall each be four years, and they shall be chosen by the qualified electors of the State at general elections; but a State Treasurer elected in the year one thousand nine hundred and nine shall serve for three years, and his successors shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same for two consecutive terms.

ARTICLE —.

The last provision of the Constitution, an amendment of November 2, 1915, which was not given any article or section number, but which provides a system of registering, transferring, insuring and guaranteeing land titles, was referred to Committee No. 1. We are of the opinion that this provision of the Constitution should be entirely eliminated.

ARTICLE —.

A proposed amendment to the Constitution providing:

Whenever an amendment to the Constitution of the United States shall be proposed by the Congress of the United States, the legislature, before taking action upon such amendment, shall submit the same to the voters of the state at the next general or municipal election for the purpose of obtaining the judgment of the said voters upon the advisability of said amendment.

This was referred to Committee No. 1. This proposed amendment is reported with a negative recommendation.

GEORGE E. ALTER,
Chairman.

REPORT No. 11.

Thursday, January 8, 1920.

COMMITTEE No. 1.

REPORT No. 4.

(Journal page 176.)

To The Commission on Constitutional Amendment and Revision:

This committee respectfully reports:

ARTICLE III.

Section 15. Substitute for present section the following:

On or before March 1 of each year in which the legislature shall be in regular session the Governor shall submit to the general assembly a budget. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the two fiscal years next ensuing, including expenditures for charitable and educational purposes. The Governor shall, at the time of presenting the budget to the general assembly, submit a bill containing the proposed appropriations for the fiscal years covered by said budget, as well as any bill or bills embodying any recommendations he may desire to make as to sources of revenue.

Immediately upon receipt of the Governor's budget the presiding officer of the House of Representatives shall introduce in such House the said appropriation bill and also all bills relating to sources of revenue submitted by the Governor.

The general assembly shall have power to increase, decrease, strike out, or otherwise alter any item in the appropriation bill, or add new items thereto. Until the appropriation bill shall have been finally acted upon by both Houses of the general assembly, neither House shall consider any appropriation measure, unless the same shall be solely for the immediate needs of the general assembly, or shall have been submitted to the general assembly by the Governor with the request that it be acted upon in advance of the appropriation bill.

ARTICLE IV.

Section 16. Substitute for present section the following:

The Governor shall have power to disapprove of or reduce any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the part or parts of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

GEORGE E. ALTER,
Chairman.

 REPORT No. 12.

Tuesday, January 13, 1920.

COMMITTEE No. 3.

REPORT No. 4.

(Journal page 211.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE —.

That the following section be added to the Constituion:

Section —. The right to vote and to hold office in this commonwealth shall not be denied on account of race, color or sex.

FRANCIS NEWTON THORPE,
Chairman.

 REPORT No. 13.

Wednesday, January 14, 1920.

COMMITTEE No. 1.

REPORT No. 5.

(Journal page 299.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE III.

Section 18. This section is now in the hands of the Committee of the Whole in connection with the budget system.

Secion 20. Referred to Committee No. 5.

ARTICLE IV.

Section 9 to remain without change.
 Section 11 to remain without change.
 Section 19 to remain without change.

ARTICLE III.

Section 13. Substitute for the present section the following:

No term of any public officer shall be extended, nor his salary or emoluments increased or diminished after his election or appointment, except that the salary or emoluments of a judge may be increased.

GEORGE E. ALTER,
 Chairman.

REPORT No. 14.

Wednesday, January 14, 1920.

COMMITTEE No. 2.

REPORT No. 2.

(Journal page 299.)

To The Commission on Constitutional Amendment and Revision:
 The committee respectfully reports:

ARTICLE V.

Section 1 to remain without change except for inserting in the second line after the words "supreme court" the words "a superior court," and for striking out in the fourth line the words "magistrates' courts."

Section 2 to remain without change except for striking out of the second line the words "seven judges" and inserting the words "nine justices learned in the law;" for striking out of the fifth line the words "The judge whose commission shall first expire" and inserting the words "The Justice oldest in Commission;" for striking out of the sixth line the word "judge" and inserting the word "justice."

Section 3 to remain without change.

Between section 3 and the present section 4 there shall be inserted two new sections, to be numbered sections 3-A and 3-B, respectively, as follows:

Section 3-A. The superior court shall consist of seven judges learned in the law, who shall be elected by the qualified electors of the state at large. They shall hold their offices for the term of fourteen years, if they so long behave themselves well, and shall be eligible for re-election. The judge oldest in commission shall be president judge, and any president judge re-elected in said court shall continue to be the president judge thereof.

Section 3-B. Until otherwise directed by law, the jurisdiction and powers of the superior court shall be and continue as at present established.

Section 4 to be amended by striking out the entire section as it now reads and substituting the following provision, so that the section as amended shall read as follows:

Section 4. The court of common pleas in each judicial district shall consist of such judge or judges, learned in the law, as the legislature may determine are required in the particular district. These judges shall be elected by the qualified electors of the district. They shall hold office for a term of ten years, if they so long behave themselves well. The judge oldest in commission shall be the president judge, but any president judge re-elected in the same court or district shall continue to be the president judge thereof. Not more than four counties shall at any time be included in one judicial district organized for said courts.

The court of common pleas shall have original and general jurisdiction over all civil causes and shall exercise the powers and have, subject to such changes as may be made by law, such jurisdiction as is now vested in the courts of common pleas of this commonwealth, and as is now provided by the acts of assembly heretofore passed, and such other powers as may be from time to time by law conferred upon them.

The several courts of common pleas, besides the powers herein conferred, shall have and exercise, within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth, or as may hereafter be conferred upon them by law. They shall have appellate jurisdiction in appeals from the justices of the peace; they shall, within their respective districts, have power to issue writs of certiorari to justices of the peace and to other inferior courts not of record and to cause their proceedings to be brought before them and right and justice to be done.

The judges of the courts of common pleas shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery and of the orphans' court, except in such judicial districts as now have separate orphans' courts or where by law separate orphans' courts may be created, and within their respective districts shall be justices of the peace as to criminal matters.

Section 5 to be amended by striking out the second "shall" in the second line and substituting the word "may;" and be further amended by inserting in the third line after the word "and" the words "when so constituted;" and be further amended by inserting in the fourth line after the word "judges" the words "learned in the law;" and be further amended by striking out of the tenth line after the word "abolished" the words "in counties forming separate districts."

HAMPTON L. CARSON,
Chairman.

REPORT No. 15.

Wednesday, January 14, 1920.

COMMITTEE No. 5.**REPORT No. 2.**

(Journal page 299.)

To The Commission on Constitutional Amendment and Revision:
This committee respectively reports:

ARTICLE XI.

Section 1 to remain without change.

EDGAR FAHS SMITH,
Chairman.

REPORT No. 16.

Tuesday, January 20, 1920.

COMMITTEE No. 4.**REPORT No. 3.**

Journal page 300.)

To The Commission on Constitutional Amendment and Revision:

This committee respectfully reports the following sections, which in all cases are submitted with favorable recommendation except where there is a statement to the contrary:

ARTICLE IX. TAXATION AND FINANCE.

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the general assembly may, by general laws, provide for the creation of taxing districts to facilitate public improvements therein; may by such laws classify the subjects of taxation for the purpose of laying graded or progressive taxes; and may assess and tax land, improvements and timber separately at either the same or at different rates, or may assess and tax either without taxing the other.

The foregoing substitute for section 1 is recommended by the committee except as to the clause "may by such laws classify the subjects of taxation for the purpose of laying graded or progressive taxes." A proposed amendment to the Constitution in these words has been approved by two successive legislatures and is expected to be submitted to the people next November. The committee suggests that popular action upon the proposal will serve as a guide for the Commission and that in the interval no final action need be taken by the Commission on this particular phase of the subject.

In the interest of clearness, the committee recommends the transfer into section 2 of all provisions on the subject of exemption from taxation.

Section 2. The general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity; but in all cases in which exemption is claimed for property used wholly or in part for educational purposes on the ground that the same is an actual place of religious worship or a purely public charity, the exemption shall be allowed only where the language of instruction is English and where the educational standards are at least as high as the standards of public schools of a similar grade. All other exemptions shall be void.

Section 4. Except with the approval of three-fourths of all the members elected to each House, no debt shall be created by or on behalf of the state for any purpose other than to supply casual deficiencies of revenue not exceeding one million dollars, repel invasion, suppress insurrection, defend the state in war, improve and rebuild the highways of the commonwealth, acquire land within the commonwealth for forest purposes, or pay existing debts.

Section 6 to remain without change.

Sections 7, 8, 9, 10 and 15 were, at the request of Committee No. 5, transferred to that committee for preliminary consideration. Thereafter they were, by Committee No. 5 referred back to Committee No. 4, with a recommendation that they be reported without amendment. Meanwhile sections 1 and 2 of article XIV, having been under consideration by Committee No. 3, were reported by it to Committee No. 5. Thereupon all the sections in question, namely, sections 7, 8, 9, 10 and 15 of article IX and sections 1 and 2 of article XIV, were referred to a special committee of three, to be made the subject of report direct to the Commission by such special committee. For this reason they are omitted from the report of Committee No. 4.

Section 12. This section was originally reported out by Committee No. 4 to stand without change. Upon receipt by the committee of a suggestion for amendment from Assistant Attorney General Hargest, the chairman of the committee asked that the section be referred back to the committee for further consideration. This was accordingly done. The suggestion of Mr. Hargest is that the provision of section 11 for the assigning of surplus revenue to the sinking fund is an adequate provision on the subject and to the extent that it contemplates legislative action in the matter is inconsistent with section 12 because the latter section provides for automatic application of the surplus to the sinking fund which is unnecessary and unwise. The committee accordingly recommends that section 12 be stricken out.

Section 14 to remain without change.

ARTICLE XVI. PRIVATE CORPORATIONS.

Section 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it hold any real estate except such as may be necessary and proper for its legitimate business.

Section 7. Shares of stock having par value shall be issued only for the equivalent of such par value in money, labor done or property actually received; but, subject to such provisions respecting public notice as may be made by the general assembly, a corporation may issue additional full-paid shares for a consideration in money, labor or property equal to the established market value of its shares theretofore issued. Neither the stock nor indebtedness of corporations shall be increased except in pursuance of general law, or without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

The foregoing recommendation is made on the responsibility of those members of the committee who are lawyers.

Section 8. This section has already been reported without amendment.

Note. The committee has under consideration the subject of limitations upon grants by the commonwealth of rights in the public domain. If a constitutional provision on this subject is hereafter reported by the committee it will be in the form of a new section in article XVI.

Section 9 to remain without change.

Section 10. The general assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the incorporators.

Section 11. The general assembly shall have the power by general law to provide for the incorporation of banks and trust companies, and to prescribe the powers thereof.

Note. A proposed amendment in this form has been approved by two legislatures and will be submitted to the people in November.

Section 12. The committee recommends that this section be stricken out and that the latter section be re-numbered accordingly.

The reason for this recommendation is to make possible the transfer to article XVII of all provisions respecting the consolidation of public service corporations.

Section 13. The term "corporation" as used in this and in the next succeeding article shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII. RAILROADS AND CANALS.

Title. The committee recommends that the title of this article be changed as follows:

ARTICLE XVII. CORPORATIONS FOR PUBLIC SERVICE.

Section A-1. The general assembly, by general laws or through such agency as it may from time to time create, shall have power to regulate public service and the business of all corporations engaged therein.

The committee recommends the adoption of the foregoing section. The recommendation is made upon the assumption that such powers of public service regulation as have heretofore been vested in the Secretary of Internal Affairs will be withdrawn from the jurisdiction of that official and that the constitutional provision above proposed will be the only constitutional declaration upon the subject.

Section 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Any canal corporation shall have the right to construct and operate a canal between any two points within the state susceptible of connection by waterway and to connect at the state line with the canals or waterways of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars loaded or empty, without delay or discrimination. Every canal corporation shall have the right with its canal to intersect, connect with or cross any other canal or to cross any railroad upon such terms and under such conditions as the general assembly may by general law determine; and shall without delay or discrimination receive and transport each the others passengers and tonnage and permit the passage of one anothers boats loaded or empty; and the general assembly may by general laws provide for the interchangeable receipt and transportation of passengers and tonnage by canals and railroads.

In making the above recommendation the right is reserved to any member of the committee to advocate such a modification of the final clause of the section as would substitute a self-executing constitutional declaration for the grant of authority to the legislature to provide for interchange between canals and railroads.

Section 2. As this section deals with matter which is properly the subject of legislation and not of constitutional declaration, the committee recommends that the section be stricken out and that the later sections be renumbered.

Section 3 to remain without change.

Section 4. Subject to such regulations as shall be prescribed by general law or by such agency as may be constituted from time to time by the general assembly, corporations for public service may consolidate with, or purchase the property of, or may through stock ownership or otherwise acquire and exercise the control of, other corporations formed for the same or a kindred purpose.

Mr. Pinchot desires to be recorded as opposed to this amendment.

Section 5. The committee is not ready to submit a report upon this section.

Section 6. This section should either be extended to cover other cases or should be stricken out as containing matter suitable for legislative action rather than for constitutional declaration.

The committee recommends that it be stricken out and subsequent sections renumbered.

Section 7 to remain without change.

Section 8 to remain without change.

Section 9. No street passenger railway shall be constructed within the limits of any city, borough or township without the consent of its local authorities; but nothing in this section shall impair in such case the power of public service regulation vested in the general assembly and exercised either under general laws or through such agency as may from time to time exist.

Mr. Pinchot desires to be recorded as opposed to this amendment.

Section 10. No railroad, canal or other public service corporation, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Section 11. The committee recommends that this section be stricken out.

Section 12 to remain without change.

The committee has been in conference with the Auditor General of the commonwealth, and may have some recommendations to make hereafter as the result of such conference. These recommendations may take the form of additional sections in article IX.

It may be that the report of the committee will be affected in some particulars by such report as may be made hereafter by the special committee composed of chairmen of the five committees, which has under consideration the organic relationships of the several departments and activities of the state government.

As to both these subjects and as to the subject-matter of the note to section 8 of article XVI and the subject-matter of section 5 of article XVII, the committee asks leave to submit a future report.

GEORGE WHARTON PEPPER,
Chairman.

REPORT No. 17.

Wednesday, January 21, 1920.

SPECIAL COMMITTEE ON LOCAL GOVERNMENT.

REPORT No. 1.

(Journal page 386.)

To The Commission on Constitutional Amendment and Revision:

This committee has taken into consideration the following sections of the Constitution:

- Article III, section 20.
- Article IX, section 3.
- Article IX, section 7.
- Article IX, section 8.
- Article IX, section 10.

Article IX, section 15.
Article XIII, section 1.
Article XIV, section 1.
Article XIV, section 2.
Article XIV, section 3.
Article XIV, section 4.
Article XIV, section 5.
Article XIV, section 6.
Article XIV, section 7.
Article XV, section 1.
Article XV, section 2.
Article XVII, section 9.

It seems desirable to the committee that the entire subject of local government be included in one article under the title of Municipalities. The committee reports for the consideration of the Commission such an article. For an analysis of the subject the members of the Commission are referred to Brief No. 21.

ARTICLE (New) MUNICIPALITIES.

Section 1 (new). The municipalities of this commonwealth are counties, townships, cities, boroughs, school districts and such other incorporated districts as the general assembly shall by law create.

Section 2 (new). The general assembly may provide for the creation, division and change of boundaries of any class of municipalities.

Section 1 of article XIII of the present Constitution to be dropped and become section 3 of this article.

Section 3. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area or containing a less population, nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Section 4 (new). No city or borough shall be created, nor shall the boundaries thereof be changed except by the consent of at least a majority of such electors resident within the proposed boundaries as shall vote on the proposed change at an election which shall be held as may provided by law; nor shall any change in boundaries be made which shall place outside the existing limits of a city or borough any part thereof without the consent of at least a majority of such electors resident within the proposed excluded area as shall vote.

Section 5 (new). The general assembly may provide for the creation of classes of incorporated districts wholly or partly within the boundaries of one or more municipalities and may vest in such incorporated districts one or more of the powers already exercised by the municipalities within their respective boundaries or additional powers, and may make any power so vested an exclusive power of the incorporated district or a power concurrent with the municipalities wholly or partly within their respective boundaries; provided, that no such incorporated district shall be created or its boundaries extended

or its powers increased except by the consent of at least a majority of such electors resident within the proposed boundaries of the incorporated district as shall vote on the question at an election which shall be held as may be provided by law.

Section 20 of article III of the present Constitution to be dropped and become section 6 of this article.

Section 6. The general assembly shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Section 2 of article XIV of the present Constitution to be dropped and become section 7 of this article.

Section 7. The officers of all municipalities shall be elected at a municipal election or appointed by an officer or agency of the municipality as may be provided by law.

Section 3 of article XIV of the present Constitution to be dropped and become section 8 of this article.

Section 8. No person shall be appointed to any office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Section 4 of article XIV of the present Constitution to be dropped and become section 9 of this article.

Section 9. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs shall keep their offices in the county town of the county in which they respectively shall be officers.

Section 5 of article XIV of the present Constitution to be dropped and as amended, to become section 10 of this article.

Section 10. The compensation of county officers shall be regulated by law and all fees which county officers may be authorized to receive shall be paid into the treasury of the county or state as may be directed by law.

All county officers shall be paid only by salary for services performed for the county, state or any political subdivision of either, or for any other official service; and all laws providing any other form of compensation are declared to be repealed.

Section 6 of article XIV of the present Constitution to be dropped and as amended, to become section 11 of this article.

Section 11. The general assembly shall provide by law for the strict accountability of all municipal (county, township and borough) officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

Section 12 (new). Changes in the organization of a municipality shall be made only by

(a) An act of the general assembly ratified by a majority of the electors of the municipality voting thereon at a municipal or special election designated in the act; or

(b) An ordinance of the municipality ratified by a majority of the electors of the municipality voting thereon at a municipal election; or

(c) By a petition setting forth the proposed change signed by ten per centum of the electors of the municipality presented to the ordinance-making body of the municipality and ratified by a majority of the electors voting thereon at a municipal election.

Section 1 of article XIV of the present Constitution to be dropped and as amended, to become section 13 of this article.

Section 13. Except as otherwise provided by law in counties containing in whole or in part a city of over five hundred thousand inhabitants, county officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors, or controllers, clerks of courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term succeeding the one for which he may be elected.

Section 7 of article XIV of the present Constitution to be dropped and become section 14 of this article.

Section 14. Except as otherwise provided by law, in counties containing in whole or in part over five hundred thousand inhabitants, three county commissioners and three county auditors shall be elected in each county where such officers are chosen in the year one thousand nine hundred and twenty-three, one for two years; and two for four years; and every two years thereafter one and two alternately for four years; and in the election of said officers each qualified elector shall vote for one person; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which said vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

Section 15 (new). Subject to the provisions of this Constitution and of general law, all municipalities shall have powers of local government and corporate action adequate for municipal purposes, and no such power shall be presumed to be denied by reason of not being specified in any existing law.

Section 16 (new). A municipality shall have exclusive power to regulate the rates to be charged and the services to be rendered, through the operation of any public service facility built or purchased by it, so long as the title to such facility is retained by the municipality.

Section 9 of article XVII of the present Constitution to be dropped and as amended, to become section 17 of this article.

Section 17. No street passenger railway shall be constructed within the limits of any city, borough or township without the consent of its local authorities; provided, that nothing in this provision shall be construed as to restrict the police power of the state over the operation of public utilities.

Section 18 (new). All municipalities shall have the power by ordinance to assess a part or all of the cost of a municipal

improvement against property specially benefited thereby, irrespective of the relative locations of the said improvement and property; provided, that such assessment, whether made payable in one or several installments shall not exceed the increase in salable value due to such improvement during the interval of one year prior to the authorization of the improvement and the fifth year following the improvement. The method of ascertaining such assessment may be regulated by law.

Section 19 (new). A municipality acquiring or appropriating property or rights over or in property for public use, subject to such restrictions as the general assembly may from time to time impose, may secure or appropriate an excess of property over that actually to be occupied or used for public use, and may thereafter sell or lease such excess and impose on the property to be sold or leased any restrictions appropriate to preserve or enhance the benefit to the public of the property actually occupied or used.

Section 2 of article XV of the present Constitution to be dropped and to become section 20 of this article.

Section 20. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

Section 7 of article IX of the present Constitution to be dropped and as amended, to become section 21 of this article.

Section 21. The general assembly shall not authorize any municipality to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to any corporation, association, institution or individual; but nothing in this section shall prevent the lease or sale by the municipality of a public facility belonging to it on fair and reasonable terms.

Sections 8 and 15 of article IX of the present Constitution to be dropped and become section 22 of this article.

Section 22. A municipality shall have the power to incur indebtedness to an amount not exceeding ten per centum upon the assessed value of the taxable property therein, but the general assembly may by law reduce or otherwise further limit such power.

A municipal ordinance incurring a new debt to an amount in excess of two per centum upon the assessed value of the taxable property within the municipality shall be submitted to the electors at a public election in such manner as shall be provided by law, and shall become valid when approved by a majority of the electors voting thereon. An ordinance of a county, township or borough having a debt in excess of seven per centum upon the taxable property therein incurring a new debt shall become valid when approved in like manner by three-fifths of the electors voting thereon.

In calculating the indebtedness of a municipality for the purpose of ascertaining its borrowing capacity there shall be deducted from the indebtedness and disregarded in the calculation:

(a) The amount of any indebtedness incurred for public improvements secured by liens on the properties acquired and imposing no municipal obligation whatever.

(b) Any debt incurred to acquire public improvements, provided the net income derived from the property acquired for the period of five years immediately preceding its acquisition shall have been sufficient to have paid the interest and sinking fund charges for five years on such indebtedness.

(c) An amount equal to that capital sum which will yield at the current rate of interest and sinking fund charges an annual revenue equal to the net revenue received by the municipality from any public improvement during the last preceding fiscal year, provided the debt incurred for the acquisition of the property has not been deducted under the provisions of clause (b) hereof.

Section 10 of article IX and section 3 of article XV to be dropped from the present Constitution and become section 23 of this article.

Section 23. A municipality shall not incur any indebtedness to run for more than fifty years and shall at or before the time of incurring such indebtedness provide for the collection of an annual income tax sufficient to pay the interest and also the principal thereof at maturity and shall create a sinking fund which shall be inviolably pledged for the payment thereof; provided, that certificates of indebtedness or other obligations to mature within the current fiscal year may be issued in anticipation of the collection of current revenues.

ARTICLE XV.

Section 1 to be omitted from the Constitution.

CHARLES H. ENGLISH,
Chairman.

REPORT No. 18.

Wednesday, January 28, 1920.

COMMITTEE No. 1.

REPORT No. 6.

(Journal page 481.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE III.

Section 15. To take the place of sections 15 and 16 on the calendar of January 27, and to be an amendment of section 15 of article III as adopted by the Commission:

Section 15. On or before March first of each year in which the legislature shall be in regular session the Governor shall submit to the general assembly a budget. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the two fiscal years next ensuing, including expenditures for charitable and educational purposes. The Governor shall, at the time of presenting the budget to the general assembly, submit a bill containing the proposed appropriations for the fiscal years covered by said budget, as well as any bill or bills embodying any recommendations he may desire to make as to sources of revenue.

In submitting proposals for appropriations to charitable, benevolent or educational institutions under the absolute control of the commonwealth, the Governor shall at the same time submit a plan of distribution among the classes of institutions to be benefited. No item of the general or other appropriation bill shall appropriate any definite sum of money to any such institution or designate any one or more of such institutions as beneficiaries; but all such items shall appropriate a gross sum to be distributed among a class or classes of such institutions (as such class or classes may be defined by law) in accordance with a plan set forth in the appropriation act or by general law or by an executive agency appointed by law.

Immediately upon receipt of the Governor's budget the presiding officer of the House of Representatives shall introduce in such House the said appropriation bill and also all bills relating to sources of revenue submitted by the Governor.

The general assembly shall have power to increase, decrease, strike out, or otherwise alter any item in the appropriation bill, or add new items thereto. Until the appropriation bill shall have been finally acted upon by both Houses of the general assembly, neither House shall consider any appropriation measure, unless the same shall be solely for the immediate needs of the general assembly, or shall have been submitted to the general assembly by the Governor with the request that it be acted upon in advance of the appropriation bill.

The final adjournment of the general assembly shall not take place until a period of ten days shall have elapsed after the appropriation bill shall have been finally acted upon by both Houses of the general assembly and shall have been presented to the Governor.

Before final vote is taken on the general appropriation bill in either House of the general assembly, a separate vote shall be taken on each item making an appropriation for a class or classes of institutions not under the absolute control of the commonwealth, and such item shall be stricken from the bill unless it shall receive the support of two-thirds of the members elected to the House in which the vote is taken.

GEORGE E. ALTER,
Chairman.

REPORT No. 19.

Wednesday, January 28, 1920.

COMMITTEE No. 4.**REPORT No. 4.**

(Journal page 482.)

To The Commission on Constitutional Amendment and Revision:

This committee respectfully reports:

In the case of two sections reported by this committee and adopted by the Committee of the Whole, suggestions have been made which would require a revision of the sections in question. The sections are section 1 of article IX and section 2 of article IX. The committee reserves the right to submit a report upon these sections after further deliberation.

ARTICLE XVI.

Section 7. The proposal of the committee was referred back for further consideration.

In order that the Committee of the Whole may be in a position to take separate action upon the portion of the proposal which gave rise to the debate, the committee now reports the section in alternative form as follows:

(1) Section 7. Shares of stock having par value shall be issued only for the equivalent of such par value in money, labor done or property actually received; but subject to such provisions respecting public notice as may be made by the general assembly, a corporation may issue additional full-paid shares for a consideration in money, labor or property equal to the established market value of its shares theretofore issued. Neither the stock nor indebtedness of corporations shall be increased except in pursuance of general law or without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

(2) Section 7. Shares of stock having par value shall be issued only for the equivalent of such par value in money, labor done or property actually received. Neither the stock nor indebtedness of corporations shall be increased except in pursuance of general law or without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

ARTICLE XVII.

Section 2-A. In the case of section 12 of article XVI, the section was stricken out in order that its substance might be transferred to the appropriate place in article XVII which now deals with corporations for public service. Through an oversight, however, the section stricken out of article XVI was not inserted in article XVII. The committee now recommends that the following be inserted in article XVII:

Section 2-A. Any corporation organized for the purpose shall have the right to construct and maintain lines of telegraph or telephone within this state and to connect same with other lines.

Section 1. A proposal was reported by the committee and reported back to the committee in order that consideration might be given to a substitute proposed by Mr. Pinchot. The committee now recommends the adoption of Mr. Pinchot's proposal as a substitute for the committee's original report, as follows:

Section 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers, and under general law shall respectively have the right to construct and operate railroads and canals between any points within this state, to connect at the state line with railroads and canals of other states, and to intersect, connect with, or cross any other railroad or canal; and under general laws shall without delay or discrimination receive and transport respectively each others passengers, freight, cars and boats; and to that end shall conform in construction to standards established by a state agency authorized by law to establish the same and in the public interest to permit variations therefrom.

GEORGE WHARTON PEPPER.

Chairman.

REPORT No. 20.

Wednesday, January 28, 1920.

COMMITTEE No. 5.

REPORT No. 3.

(Journal page 482.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE X.

Section 1. Substitute for the present section the following:

Section 1. The general assembly shall provide for the maintenance and support of a thorough system of primary, secondary and higher education by appropriating bi-annually:

(a) For the public schools an amount at least equal to the total appropriated by the school districts or any other public corporations vested with the power to contribute in the support of schools during the two preceding fiscal years.

(b) For the state normal schools at least two millions.

(c) For institutions of higher learning which conform to the requirements of the college and university council or other state agency vested with the power to determine standards of excellence for such institutions, at least eight millions.

EDGAR FAHS SMITH,

Chairman.

REPORT No. 21.

Wednesday, February 4, 1920.

COMMITTEE No. 1.**REPORT No. 7.**

(Journal page 609.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE IV.

Sections 8 and 20-A, below, are returned with a negative recommendation for the reason that in the judgment of the committee the creation of such an office and the assignment of its duties are matters more properly within the jurisdiction of the legislature than within the proper scope of the Constitution.

Section 20-A. The Superintendent of Charities and Corrections shall have supervisory control over all public and private charitable, benevolent and correctional institutions.

Section 8, as already tentatively adopted, reads as follows:

Section 8. The Governor shall nominate and, by and with the advice and consent of a majority of all the members of the Senate, appoint a Secretary of the Commonwealth, an Attorney General, a Secretary of Internal Affairs and a Superintendent of Charities during his pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint.

GEORGE E. ALTER,
Chairman.

REPORT No. 22.

Wednesday, February 4, 1920.

SPECIAL COMMITTEE ON LOCAL GOVERNMENT.**REPORT No. 2.**

(Journal page 609.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE (MUNICIPALITIES).

Section 12. Cities, or cities of any particular class, may be given the right and power to frame and adopt their own charters and to exercise the powers and authority of local self-government; subject, however, to such restrictions, limitations

and regulations as may be imposed by the legislature. Laws also may be enacted affecting the organization and government of cities and boroughs, which shall become effective in any city or borough only when submitted to the electors thereof and approved by a majority of those voting thereon.

Section 19-A. The general assembly may by law regulate or restrict or may authorize any municipality to regulate or restrict advertising on public ways, in public places and on private property within public view.

CHARLES H. ENGLISH,
Chairman.

REPORT No. 23.

Wednesday, February 4, 1920.

COMMITTEE No. 2.

REPORT No. 3.

(Journal page 609.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE V.

Section 6. Strike out the first paragraph of the present section 6 and substitute the following:

In the county of Philadelphia all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time.

Strike out the second and third paragraphs of section 6 and substitute the following:

In the county of Allegheny there shall also be but one court of common pleas composed of all the judges in commission in said courts with jurisdiction, organization and power as now established, subject to such changes as may be provided by law, and subject to change of venue as provided by law. The number of judges in said court may be by law increased from time to time.

Add the following paragraph in substitution for the present section 8 of the existing Constitution:

The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Section 7. Substitute the following:

For Philadelphia county there shall be one prothonotary's office, the prothonotary to be appointed by the judges of said court and to hold his office for three years subject to removal by a majority of said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said court; and he and his assistants shall receive fixed salaries to be determined by law and paid by said county; all fees collected in said office except such as may be due to the commonwealth shall be paid by the prothonotary into the county treasury.

Sections 8, 9 and 10. Drop from Constitution; the substance of section 8 having been incorporated into section 6 as hereinbefore reported, and of sections 9 and 10 into section 5 as heretofore reported.

Section 11. Substitute the following:

Section 11. Except as otherwise provided in this Constitution, justices of the peace shall be elected in the several townships and may be elected in the several boroughs and cities, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township shall elect more than one justice of the peace, and no person shall be elected to such office unless he shall have resided within the township for two years next preceding his election. Not more than one justice of the peace shall be elected in each borough unless such borough contains more than five thousand inhabitants, and not more than one justice of the peace shall be elected in boroughs for each additional five thousand inhabitants, and justices of the peace shall be elected by the qualified electors of each district. No person shall be elected to such office in boroughs unless he shall have resided within the borough or district for at least three years preceding his election. In cities, exclusive of cities of the first class, containing over five hundred thousand inhabitants not more than one justice of the peace shall be elected for each one hundred thousand inhabitants, and such cities shall be divided into districts each containing not less than one hundred thousand inhabitants, and the justices of the peace shall be elected by the qualified electors of each district. In cities containing less than five hundred thousand inhabitants not more than one justice of the peace shall be elected for each fifty thousand inhabitants, and such cities shall be divided into districts each containing not less than fifty thousand inhabitants, and the justices of the peace shall be elected by the qualified electors of each district; provided, that every city may have at least one justice of the peace. No person shall be elected to such office in cities unless he shall have resided within said city or district for a least five years next preceding his election. All justices of the peace and aldermen in office when this Constitution shall be adopted shall serve their unexpired terms.

Section 12. Substitute the following:

Section 12. In Philadelphia the office of magistrate is abolished and there shall be established in said county eighteen courts not of record of police and civil cases, with jurisdiction not exceeding two hundred dollars. The general assembly shall divide said city into eighteen numbered districts of compact territory, as nearly equal in population as may be, but shall not include a part of a ward in any district. Such courts shall be held by judges, whose term of office shall be six years, and the said judges shall be elected by the qualified electors in the respective districts at the municipal election in the odd-numbered years. The judges shall be compensated by fixed salaries to be paid by the county; they shall exercise such civil and criminal jurisdiction as is exercised by justices of the peace, except as herein provided, or as may be changed by law, but no law shall increase the amount of their civil jurisdiction or confer upon them political duties. The rules of practice and procedure in such courts shall be established by the supreme court, and when so established, and published as provided by law, said rules shall have the force of a statute. The boundaries of the districts of said courts may be changed by the general assembly from time to time, but not more often than once in every ten years, at which time also additional districts may be created, but not, however, so that the total number of said districts shall be more than one for every one hundred thousand of the population of said county. The said courts shall be known as district peace courts, and the said judges as district peace judges. The general assembly shall, at its next session after the adoption of this Constitution, pass such laws as may be necessary to carry this section into effect, fix the costs of proceedings in said courts and provide for the relief from payment of costs of such persons as would be unable without hardship to pay the same.

Section 13 to remain without change.

Section 14. Substitute the following:

Section 14. In all cases of summary conviction in this commonwealth or of judgment in suit for a penalty before a magistrate, or courts not of record, either party may appeal to such court of record and on such terms as may be prescribed by law.

Section 15. Dropped, the substance having been incorporated in section 5.

Sections 16 and 17 to remain without change.

Section 18 amended to read as follows:

Section 18. The justices of the supreme court, the judges of the superior court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law, and paid by the state. They shall receive no other compensation, fees or perquisites of office for their services from any source, or hold any other office of profit under the United States, this state or any other state.

Section 19 to be amended to read as follows:

Section 19. The justices of the supreme court and the judges of the superior court during their continuance in office shall reside within this commonwealth; and the other judges during their continuance in office shall reside within the districts from which they shall be respectively elected.

Section 20. Dropped, the substance of this section having been incorporated in section 4.

Section 21 to be amended to read as follows:

Section 21. No duties shall be imposed by law upon the supreme court nor any of the justices thereof except such as are judicial, nor shall any of the justices exercise any power of appointment except as herein provided.

Section 22 to be amended to read as follows:

Section 22. In every county wherein the population shall exceed one hundred and fifty thousand the general assembly shall, and in any other county may, establish a separate orphans' court to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and power now vested in or which may hereby be conferred upon the orphans' court, and thereupon the jurisdiction of the judges of the court of common pleas within such county in orphans' court proceedings shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said orphans' court shall be audited by the court without expense to parties, except where all parties interested in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint.

Strike out the remaining three lines of section 22 and substitute the following:

In every county where a separate orphans' court is established it shall possess all the powers and jurisdiction of the register's court and separate registers' courts are hereby abolished.

Section 23 to remain without change.

Section 24 to be amended by the insertion of the word "all" in the first line, before the words "cases of felonious homicide, and in all other cases to."

Section 25 to remain without change.

Section 26 to remain without change.

Section 27 to remain without change.

The committee without recommendation refers to the Commission, for general discussion in the Committee of the Whole, the following, to be given an appropriate number if adopted:

Any person who shall be unable, without great hardship, to employ counsel and to pay the costs of litigation shall be entitled to the gratuitous service of counsel, to be assigned to him by the court, and to relief from the payment of such costs, or both, as justice shall require.

And, alternatively, the following, to be given an appropriate number if adopted:

The general assembly shall provide by law for the assignment of gratuitous counsel and for relief from the payment of the costs of litigation to any person who shall be unable without great hardship to employ counsel and pay such costs as the case may be.

Adding this proviso:

Provided, however, that the costs of litigation may be classified or graded according to the amounts in controversy.

The committee also refers the inquiry as to whether it is deemed advisable to insert provisions by which the opinions of the supreme court may be consulted by either branch of the legislature and by the Governor on matters of law.

HAMPTON L. CARSON,
Chairman.

REPORT No. 24.

Wednesday, February 4, 1920.

COMMITTEE No. 5.

REPORT No. 4.

(Journal page 614.)

To The Commission on Constitutional Amendment and Revision:
This committee respectfully reports:

ARTICLE XVIII.

Section 1 to remain without change.

CHARLES H. ENGLISH,
Acting Chairman.



MEMORANDA
AND
BRIEFS



TABLE OF CONTENTS

No.		Page.
1	State Budget System—Preliminary memorandum,	821
2	Taxation—Graduated income tax,	823
3	County Officers—Compensation,	824
4	Taxation—Separation of land and buildings,	826
5	Charitable Appropriations,	827
6	Municipal Bond Issues,	828
7	State Budget System—Recommendations of New York State Reconstruction Commission,	834
8	State Budget System—Constitutional provisions in Massachusetts,	840
9	Courts—Reorganization recommended by American Judicature Society,	841
10	Budget System—Recommendations of New York 1915 Convention,	845
11	Courts—Organization of the intermediate appellate courts of New York state,	846
12	Courts—Organization and operation of court of common pleas of Allegheny county,	847
13	Charitable Institutions—Appropriations to,	849
14	Courts—Regulation of procedure,	851
15	Suffrage—Restrictions as to newly naturalized persons,	853
16	Charitable Appropriations—Amount of, to and services rendered by institutions not controlled by state,	855
17	State Duties Imposed on Local Executive Officers,	857
18	Local Government—Constitutional restrictions,	860
19	Charitable Appropriations—Basis and amounts of 1919 appropriations,	863
20	Local Government—Constitutional home-rule provisions of other states,	893
21	Local Government—Discussion of constitutional provisions affecting municipalities—"home rule,"	896
22	Executive—Present organization and changes in the interest of efficiency,	910
23	Municipalities—Contracts with public utilities—Police power of state,	922
24	Local Governments—Borrowing powers of co-extensive municipalities,	925
25	County Officers' Compensation for collecting state taxes,	927
26	Courts—Protection of legal rights of poor,	934
27	Municipalities—Improvements—Excess condemnation—Assessment of benefits,	939
28	Proportional Representation,	946



MEMORANDA AND BRIEFS No. 1.

STATE BUDGET SYSTEM—PRELIMINARY MEMORANDUM.

Harrisburg, December 16, 1919.

Hon. William I. Schaffer,
Chairman of Commission.

Sir: I understand you desire a preliminary memorandum on the state budget system.

I find that:

- (1) Forty-two states have established a permanent state budget procedure of one kind or another.
- (2) In addition, the 1919 legislature of Indiana has passed a joint resolution to amend the constitution by setting up a rather complete state budget system in the constitution itself.
- (3) In addition, the 1917 legislature of Delaware enacted a law setting up a state budget procedure for one session of the legislature.
- (4) In addition, Florida and Missouri have constitutional provisions for the submission to the legislature by the Governor of estimates of the requirements of the state.
- (5) Pennsylvania and Rhode Island are the only two states in the nation that do not fall within any of the four preceding groups.
- (6) Three states (Maryland, Massachusetts and West Virginia) have set up rather complete state budget systems in their constitutions.
- (7) Thirty-nine states have set up more or less complete state budget systems by statute.
- (8) Of the 42 states that have established a permanent state budget procedure, 22 provide for submission of the budget by the Governor; 14 for submission of the budget by a body of which the Governor is a member; 4 for submission of the budget by a body wholly or partially appointed by the Governor; and 2 for submission of the budget by a legislative committee.

The procedure varies greatly in the different states, ranging all the way from a procedure which highly restricts the legislature to one which gives the legislature almost unlimited control of appropriations. A very good tabular statement of the various budget procedures will be found on pages 321-363 of the "Report of Reconstruction Commission to Governor Alfred E. Smith on Retrenchment and Reorganization in the (New York) State Government, October 10, 1919." There is in the Secretary's office a copy of this report. The most complete work which has been brought to my attention is "The Movement for Budgetary Reform in the States," by William Franklin Willoughby, D. Appleton & Co., New York, publishers. There is a

useful short article on the same subject by A. E. Buck in the August, 1919, number of the National Municipal Review, North American Building, Philadelphia. These publications are also in the Secretary's office.

Perhaps the clearest way to give an idea of what is meant by a state budget system is to give the text of a constitutional provision which would put in force the simplest effective state budget system that has been so far called to my attention. Such provision may be worded as follows:

On or before February fifteenth of each odd-numbered year, the Governor shall submit to the general assembly a budget, which shall consist of an estimate of the needs of the commonwealth for the two fiscal years next ensuing, including such appropriations as he deems proper for charitable and educational purposes; an estimate of the receipts of the commonwealth for the same period; any recommendations he may wish to make as to sources of revenue with a bill or bills to carry such recommendations into effect; an appropriation bill covering all the estimated needs of the commonwealth for the two fiscal years next ensuing; and such other statements, estimates or recommendations as may be prescribed by law or as may be deemed pertinent by him.

Immediately upon receipt of the Governor's budget the presiding officer of the House of Representatives shall introduce in such House the said appropriation bill and also all bills relating to taxation submitted by the Governor.

The general assembly shall have power to increase, decrease, strike out or otherwise alter any item in the appropriation bill, or add new items thereto. Until the appropriation bill shall have been finally acted upon by both Houses of the general assembly, neither House shall consider any appropriation measure, unless the same shall be solely for the immediate needs of the general assembly, or shall have been submitted to the general assembly by the Governor with the request that it be acted upon in advance of the appropriation bill.

After the general assembly shall have finally acted upon the appropriation bill, it shall be unlawful to make any appropriation, whether new or additional, for any subject concerned in any item included in the appropriation bill at the time it was introduced or at the time it was finally acted upon by the general assembly, unless such new or additional appropriation shall have been requested by the Governor after the appropriation bill shall have been finally acted upon by the general assembly.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 2.

TAXATION—GRADUATED INCOME TAX.

Harrisburg, December 16, 1919.

Mr. George Wharton Pepper,
Chairman of Committee No. 4.

Sir: I understand you desire a memorandum on graduated income taxes in connection with the provisions of article IX, section 1, and possible amendments thereto.

Article IX, section 1, provides:

All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

The provision quoted forbids a graduated income tax imposing upon large incomes a higher rate of taxation than upon small incomes (Cope's Estate, 191 Pa. 1). In this case the supreme court declared unconstitutional an act taxing direct inheritances which exempted inheritances of \$5,000 and under. The court took the position that a classification of property for the purposes of taxation based only on differences in quantity and imposing different rates of taxation is illegal.

If, therefore, it is desired to prevent the enactment by the general assembly of a graduated income tax, no change in the present Constitution is necessary.

If it is desired to permit the imposition of such a tax, there are at least two possible ways in which this desire may be carried out: (1) By conferring on the general assembly the power to enact a graduated income tax; or (2) by conferring on the general assembly the power to classify the subjects of taxation according to quantity for the purpose of imposing different rates of taxation upon the different classes.

The first of these methods could be pursued by amending article IX, section 1, of the Constitution, to read as follows:

All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the general assembly *may classify incomes according to quantity, exempt all incomes falling below an amount designated by law, and impose on any class of incomes a higher rate of taxation than the tax imposed on any other class in which the amount of the income is less, and may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.*

The second method above referred to could be followed by amending article IX, section 1 to read as follows:

All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax and shall be levied and collected under general laws; but the

general assembly *may classify the subjects of taxation according to quantity or value for the purpose of imposing graded or progressive taxes including the total exemption of one or more of such classes, and may, by general law, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, or institutions of purely public charity.*

You will note that the second method would, if adopted, give the general assembly the power to classify any subject of taxation (such, for instance, as land) according to its "quantity or value," and impose a different rate of taxation on each class, or exempt any class from taxation. A provision substantially similar to this was included in a resolution to amend the Constitution which was passed by the general assemblies of 1917 and 1919. It has not been submitted to the voters. This proposed amendment provides:

Subjects of taxation may be classified for the purpose of laying graded or progressive taxes.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 3.

COUNTY OFFICERS—COMPENSATION.

Harrisburg, December 16, 1919.

Mr. Francis Newton Thorpe,
Chairman of Committee No. 3.

Dear Sir: I understand you desire a memorandum on the effect of article IX, section 5, on the compensation of county officers, and what, if any, amendment is necessary to restrict the compensation of some or all of these officers to definite salaries.

Article XIV, section 5, of the Constitution provides:

The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive into the treasury of the county or state, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

The purpose of this section is obviously to put the officers of the larger counties on a strict salary basis, and to allow no county officer, whether of a larger or small county, to receive both salary and fees.

The general assembly passed the acts of March 31, 1876, P. L. 13, to put this section in effect, providing that in counties with a population of over 150,000 the salaries should be fixed at certain figures and that all other fees or perquisites should be paid into the county or state treasury. In 1889 the supreme court decided (*Phila. v. Martin*,

125 Pa. 583) that the word "fees" did not include commissions, and that neither the Constitution nor the act of assembly meant to deprive county officers of extra compensation for doing work for the state.

It follows that a statute which allows to registers of wills, for instance, a commission on the inheritance taxes which they collect for the state, is a constitutional statute. An effort was made by the act of July 21, 1913, P. L. 878, to put the register of wills of Philadelphia county on a strict salary basis, but the effort failed because the supreme court decided that the act was "local legislation" and therefore unconstitutional. (Phila. v. Sheehan, 263 Pa., 449).

A statute fixing the salaries of all county officers, or of all officers in counties of over 150,000, and depriving such officers of any compensation whatever other than salary would be entirely consistent with the present Constitution if no officer's salary were increased or diminished after his appointment or election (article III, section 13).

If it is desired to confine the compensation of all county officers to salaries regulated by law, a possible method would be to substitute for article XIV, section 5, the following:

All county officers shall be paid by salary only, for services performed for the county, state, or any political subdivision of either, and all laws providing any other form of compensation for such services are hereby declared to be repealed.

If it is desired to confine the prohibition of any other method of compensation than salary to county officers in counties of over 150,000, the desire could be affected by amending article IX, section 5, to read as follows:

The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive into the treasury of the county or state, as may be directed by law. In counties containing over 150,000 inhabitants all county officers shall be paid by salary. When a salary is paid to a county officer such salary shall be regarded as full compensation for services performed for the county, state or any political subdivision of either, and all laws providing any other form of compensation for such services are hereby declared to be repealed.

If the first amendment or any other similar amendment were adopted in the schedule of the new Constitution, if one is to be adopted, due provision would have to be made as to the time when this section should take effect so as to allow the general assembly to provide suitable salaries.

Yours very truly,
WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 4.

TAXATION—SEPARATION OF LAND AND BUILDINGS.

Harrisburg, December 16, 1919.

To George Wharton Pepper, Esq.,
Chairman of Committee No. 4.

Dear Sir: I understand that you desire a memorandum on the validity, under the present Constitution, of a statute requiring the separate assessment of land and of the buildings and other improvements thereon for purposes of taxation, with the imposition of different rates of taxation upon these two kinds of real estate.

Article IX, section 1, of the Constitution is the only provision which can suggest any doubt as to the constitutionality of such legislation. This section reads:

All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

It might be argued that both land and improvements are real estate, and that to classify them separately for purposes of taxation would be to violate the constitutional requirement of uniformity. No judicial determination of this question has come to my notice. But it seems to me that such a classification does not offend the Constitution.

The supreme court decided, in *Kitty Roup's Case*, 81½ Pa. 211 (1847) that the new Constitution had not taken from the general assembly the right to classify the subjects of taxation.

In *Commonwealth v. Canal Co.* 123 Pa. 594 (1889), the supreme court decided that an act which taxed corporate and individual obligations upon different basis was constitutional. The matter of classification, the court said, is wholly with the legislature, provided it be "according to some reasonable, practical rule, drawn from experience, which would prevent a gross inequality in the burden of taxation." Turning to examples of classification, the court said: "Real estate, for taxation, has been classified as seated and unseated, and for municipal purposes, may, perhaps, admit of further classification."

The kinds of classification which have been declared unconstitutional are those which are manifestly not founded upon any reasonable difference in the subjects of taxation and which, therefore, operate to discriminate arbitrarily against certain kinds of property and persons. Examples of such statutes which have been declared invalid for this reason are the act of June 3, 1885, P. L. 71, which permitted the taxation of precisely similar lands at different rates, and the act of June 15, P. L. 166, which imposed a tax upon the employers of foreign labor.

The validity of the division of municipal real estate into city, suburban, and farming classes, with a different rate of taxation upon

each, has never been seriously questioned. It appears to have been assumed by the supreme court in *Erie's App.*, 3 Walk. 251, *Williamsport v. Brown*, 84 Pa. 438, and *City of Erie v. Reed*, 113 Pa. 468. This practice prevails today.

The general assembly by the Act of May 15, 1913, P. L. 209, provided for the separation of land and buildings in tax assessments in cities of the second class (Pittsburgh and Scranton), and for two different rates of taxation. So far as I am aware the constitutionality of this act has not been called in question.

It is my opinion, therefore, that such an act is constitutional, since the division of real estate into the two classes of land and improvements is an entirely reasonable classification.

I shall make a further search for decided cases arising under analogous provisions in other state constitutions, and if I find any material shall submit a further memorandum.

Yours very truly,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 5.

LEGISLATIVE—CHARITABLE APPROPRIATIONS.

Harrisburg, December 16, 1919.

Mrs. John O. Miller,
Commissioner.

Dear Madam: I understand you desire a memorandum on possible methods of appropriation to charitable institutions.

Broadly, there are three ways of appropriating money to charitable institutions:

1. A definite appropriation to a designated charitable institution made by separate bill.

This is the method prescribed by constitutional mandate in the present Constitution (article III, section 15).

2. Definite appropriations to designated charitable institutions—two or more institutions, or all institutions of a particular class, or all institutions being included in a single bill.

If the amendment recommended by committee No. 1 (see Report No. 6) is adopted, the general assembly would have the right to adopt this second method of appropriating money to charitable institutions.

3. The classification of charitable institutions not under the absolute control of the state by general law, a lump sum appropriation to all institutions of a particular class and a distribution of the money appropriated to each class among those institutions which conform to standards and conditions fixed by law or by an executive agency (as a state board of charities) designated by law and authorized to establish such standards and conditions.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 6.

MUNICIPAL BOND ISSUES.

Harrisburg, December 18, 1919.

Dr. Edgar F. Smith,
Chairman of Committee No. 5.

Dear Sir: I understand that you desire a memorandum on municipal bond issues from the bureau of municipalities of the Department of Internal Affairs.

I herewith submit as exhibits "A," "B" and "C" a memoranda furnished me by J. Herman Knisely, chief of the bureau.

Very truly yours,
WM. DRAPER LEWIS,
Secretary.

EXHIBIT "A."

December 17, 1919.

Dr. William Draper Lewis,
Secretary of the Commission to Amend and Revise the Constitution, Harrisburg, Pa.

My dear Sir: This in reply to your letter of December 12th, addressed to Hon. James F. Woodward, Secretary of the Department of Internal Affairs.

I shall answer the questions propounded in the order in which they are given.

1. Information and data as to whether or not the Constitution should be amended to make bonds run for fifty years.

For certain purposes municipalities should undoubtedly have the right to issue bonds for a term of fifty years. The right to issue such bonds should apply to the purchase of land for parks, playgrounds and other public uses, for the construction of traffic subways and the abolition of grade crossings. Bonds for the term of fifty years are permitted to be issued under the constitutions of a number of states. One of the most recent comprehensive pieces of legislation can be found in the pamphlet laws of New Jersey, 1916, page 525, being an act to "authorize and regulate the issuance of bonds and other obligations and the incurring of indebtedness by county, city, borough, village, etc."

2. Whether there should be a provision giving the right for serial loans (showing the difference between straight bonds for fifty years and serial bonds).

We are rather inclined to the thought it should be mandatory upon a municipality to issue only serial bonds. There can be no question of their safety. They prevent misuse, distortion and juggling of sinking funds and are more economical. A comparison of the cost of a bond issue of \$1,000,000 on a straight fifty-year sinking fund plan and a fifty-year serial bond plan is attached hereto. (The comparison referred to is on file in the office of the Secretary of the Commission.)

3. Information and data as to the graduation of the borrowing power of the various cities, boroughs, towns and school districts based on population.

We do not know nor have we been able to find any constitutional provision or acts of assembly which permit the graduation of borrowing powers based on population. A reference to a blue-print "Taxation Statistics Third Class Cities of Pennsylvania 1919," issued by this bureau, would show that the assessed valuation per capita with a proper assessment usually increases with the increase in population.

4. Life of graded bonds, that is, whether or not the bonds should be issued for the life of the improvement.

The tendency of all legislation is that no bond should be issued for a longer term than the life of the improvement. In Pennsylvania it has been the common practice, except in rare instances, to issue bonds for the limit of thirty years as permitted by the Constitution. This has resulted in a great abuse. This abuse should no longer be permitted or tolerated.

5. Special assessments.

Mr. B. A. Haldeman, chief of the division of city planning and municipal engineering of this bureau, has submitted to you a paper covering that subject. (Exhibit "B.")

6. Information as to the indebtedness of the larger cities of the country based on population, and based on assessable value of property, and on some per capita basis, and the relation of the indebtedness to the assessed valuation.

A tabulation of ten of the largest cities of the United States as well as the city of Scranton, showing this information, is attached hereto. (The tabulation referred to is on file in the office of the Secretary of the Commission.)

7. Any provisions as to the right to issue bonds for current purposes.

No provision should be made to permit the issuing of bonds for current purposes or expenses, and no bonds should be issued except for a permanent improvement chargeable to capital account. However, provision should be made for the right to issue notes in anticipation of revenue. Without such provision it would be impossible for the smaller municipalities of the commonwealth to conduct their affairs. In most instances their moneys are not received until July, and in some instances as late as October, and the fact that they are not allowed to borrow in anticipation of revenue has resulted in great abuses of the borrowing authority. In many instances notes have been issued with the thought that they would be paid off during the current year, but have been allowed to run for years, and resulting finally in a thirty-year bond issue. We are firmly of the opinion that this right to issue notes in anticipation of revenue should not be given without the approval of the state officer who could see the law is complied with. On the matter of notes in anticipation of revenue, I would refer you to copy of Special Bulletin of the Pennsylvania Department of Labor and Industry, containing the proceedings of the fifth annual convention of the Pennsylvania State Association of Boroughs, page 61, and "State Regulation of Municipal Indebtedness" by Charles F. Gettemy, director of Massachusetts bureau of statistics, a copy of which is enclosed herewith. The care-

less and lax methods by which indebtednesses are incurred is shown in a report on 201 boroughs relating to "bonded indebtedness, notes owing and sinking fund." (Exhibit "C.")

With the limited time permitted we have examined the constitutions of all the states of the United States and have copied all their provisions as they relate to municipal indebtedness, which information is enclosed herewith. (On file in the office of the Secretary of the Commission.)

Should your Commission desire the amendments and provisions of the Constitution of the United States relating to home rule, this information can be furnished you.

I am enclosing herewith a list of the population of all cities, boroughs and first class townships of the commonwealth, giving their population and placed in groups of one thousand. These municipalities have a population approximating 6,559,089, with the state's estimated population of 9,040,599, or over 72 per cent of the population of the state residing in incorporated municipalities. (On file in the office of the Secretary of the Commission.)

The Secretary of Internal Affairs, Mr. James F. Woodward, has requested me to say that any aid that can be rendered by him or any of the bureaus of his department is at your command.

Yours very truly,

J. HERMAN KNISELY,
Chief, Bureau of Municipalities.

EXHIBIT "B."

December 12, 1919.

Wm. Draper Lewis,

Secretary of the Commission on Constitutional Amendment and Revision.

My dear Sir: Pursuant to the request of your committee that this bureau furnish it with suggestions as to changes which may be desirable in the Constitution of the state to further the interests of community planning and development and to provide for the acquisition of property and the payment of the cost of certain improvements, we are submitting the following for your consideration.

It is quite probable that the present Constitution grants sufficient authority to the legislature to create city planning commissions, at least this would seem to be the case, since the creation of such commissions has been authorized in cities of all classes in the state. It is possible also that it would be competent for the legislature to grant city planning powers to counties, townships and boroughs to the same extent such power is granted to cities.

Although there has been no judicial decision against the constitutional right of the legislature to create city planning commissions, some doubt has been cast upon the constitutionality of such legislation, and this has had the effect of causing some of the commissions now in existence to hesitate to assume the duties conferred upon them, and it has probably had some effect in discouraging the appropriation of funds for the work of such commissions.

It may also be that some of the governmental units, such as counties, townships and boroughs, are not in a position to create or

finance the kind of an organization necessary to effectively and successfully carry on the work of planning in advance for the development of public improvements.

In view of these facts, it seems highly desirable that the Constitution should provide for such commissions and that there should be some competent authority charged with the responsibility and duties of preparing comprehensive plans for the development of transportation, park and recreational facilities and other public improvements for considerable areas which might include a number of governmental units of different classes.

Article III, section 20, of the present Constitution prohibits the creation of special commissions, but the objects desired might best be accomplished by permitting the appointment of commissions which would exercise jurisdiction over considerable areas, and the following extension of said section is suggested:

Except that commissions to be known as city planning commissions or regional planning commissions may be created, the boundaries of their jurisdiction established, their expenses provided for, and their powers and duties prescribed, to secure co-ordinated comprehensive plans of highways and roads, parks and parkways, and all other means of inter-communication, land subdivision, water supply, sewage and sewage disposal, collection and disposal of garbage, housing, sanitation and health, playgrounds, civic centers, and other public improvements, where the exercise of such powers and duties is not otherwise provided for by law.

We understand that consideration of article III of the Constitution, which covers the subject of legislation, has not been assigned to your committee, but we feel that your attention should be called to this subject as it has a very important bearing upon the development of cities, boroughs and other governmental units of the state.

The question of excess condemnation and resale of property taken in connection with the making of public improvements has received much consideration in recent years, and it is believed by many authorities responsible for the carrying out of large improvements involving the taking of property that such action would be greatly assisted and the ultimate public benefits increased if more property than was actually required for the improvement could be taken, within reasonable limitations, and the portion not actually used to be resold or leased with such restrictions as would assure the greatest benefit to the public in the use and enjoyment of the improvements.

The right of excess condemnation and resale has been provided for by constitutional amendments in several states, and a resolution with this object in view was passed by the legislature of Pennsylvania in 1915, but failed to pass at the session of 1917.

The resolution had been carefully drawn by competent legal authority and provided for adding the following section to article IX of the Constitution:

The state or any municipality thereof, acquiring or appropriating property or rights over or in property for public use, may, in furtherance of its plans for the acquisition and public use of such property or rights, and subject to such restrictions as the legislature may from time to time impose, appropriate an excess of property over that actually to be occupied or used

for public use, and may thereafter sell or lease such excess and impose on the property to be sold or leased any restrictions appropriate to preserve or enhance the benefit to the public of the property actually occupied or used.

This amendment would probably accomplish the object desired, but the authority should perhaps be broader than provided therein, and the following form is suggested as a substitute, as its intent would be to permit the acquisition and sale under proper regulations of more property than might be actually required for some improvement in which both a municipality and a private corporation might be interested:

The state or any municipality thereof may acquire or appropriate property or rights over or in property for public or corporate use, and may, in furtherance of its plans for the acquisition and use of such property or rights, and subject to such restrictions as the legislature may from time to time impose, appropriate an excess of property over that actually to be occupied or used for such public or corporate use, and may thereafter sell or lease such excess and impose on the property so sold or leased any restrictions appropriate to preserve or enhance the benefit to the public of property actually occupied or used.

The problem of paying the cost of public improvements, particularly with respect to those which involve the acquisition of property for public uses, has become a difficult one and many needed improvements are delayed, prevented or greatly increased in cost through the lack of ability of the municipality to finance them under existing laws. To provide larger facilities for financing such improvements many states have authorized the laying of special assessments against property benefited by the improvement, whether the property is directly touched by the improvement or not. The Constitution of Pennsylvania has been interpreted by the courts as prohibiting the assessing of benefits for public improvements against property not actually touched by such improvement. As a matter of fact, properties not directly touched by a public improvement are often greatly enhanced in value by such improvement, and it would, therefore, seem equitable that they should be charged with a portion of the cost commensurate with the benefits received. A resolution proposing an amendment to article IX of the Constitution was introduced in the general assembly of 1915, but failed to receive approval at that time. This amendment was as follows and its purpose might now be accomplished by adding it as a new section to article IX:

The general assembly may authorize assessments against all properties, whether abutting or not, which are actually benefited by the construction, enlargement, laying out, widening, grading or other improvement of public highways, parks, buildings or other public works by the state or any municipality thereof.

This authorization would be rather broad in its intent and it might be wise to restrict the improvements to which it could be applied to the laying out, opening and widening of public highways and the taking of property for parks, playgrounds and other public purposes.

We have not attempted to set forth at any length the arguments in support of these suggested measures. The benefits and advantages accruing from excess condemnation are very thoroughly discussed in a "Report Prepared by the Chicago Bureau of Public Efficiency," September, 1918, and in "A Report of the Committee on Taxation of the City of New York," 1915. The assessment of benefits is discussed at some length in the annual report of the bureau of surveys of the city of Philadelphia for the year 1916. Copies of these reports are on file in this bureau and additional copies can undoubtedly be obtained for the use of your committee if you desire them.

We trust that these suggestions may be of service to your committee, and it will afford us very much pleasure to further co-operate with you in any way we can.

Yours very truly,
B. A. HALDEMAN,
Chief, Division of City Planning and Municipal Engineering, Bureau of Municipalities.

EXHIBIT "C."

The following data relating to bonded indebtedness, notes owing and sinking fund have been collected by a personal survey of 201 of the 940 boroughs of the commonwealth.

Total of original bond issues, \$12,653,365 00

Purpose for which issued—

Floating debt, \$2,055,937 00

To refund former issues, 1,542,775 00

Improvements, 9,054,653 00

\$12,653,365 00

Amount we question as legitimate issues—

Floating debt, \$2,055,937 00

Refund of former issues, 1,542,775 00

\$3,598,712 00

Notes owing, \$1,080,278 00

Note. Of these 201 boroughs 103 have borrowed money on unsecured notes.

SINKING FUND.

Amount which should be in sinking

fund, \$2,095,025 53

Actual cash in sinking fund, 549,223 00

Deficiency in sinking fund, \$1,545,802 53

Notes owing, 1,080,278 00

Net deficiency, \$2,626,080 53

Note. Of these 201 boroughs 69 have no moneys in sinking fund.

Bond issues in those boroughs, \$5,412,815 00

Amount due sinking fund, 840,535 00

MEMORANDA AND BRIEFS No. 7.

STATE BUDGET SYSTEM—RECOMMENDATIONS OF NEW YORK STATE RECONSTRUCTION COMMISSION.

Harrisburg, Pa., December 26, 1919.

Hon. George E. Alter,
Acting Chairman of Committee No. 1.

Dear Sir: I understand your committee desires a memorandum on recommendations of the New York State Reconstruction Commission in respect to an executive state budget system.

(A) *Synopsis of the recommendations of the commission.*

The New York State Reconstruction Commission in its report of October 10, 1919 (a copy of this report is in the Secretary's office), makes (page 317) the following synopsis of its recommendations:

1. The Governor will be made responsible for securing estimates of proposed expenditures from responsible officers of all state spending agencies; also estimates of all anticipated revenues of the state for the period to be financed. The incoming Governor of New York assumes the duties of his office on January first, which is usually two or three days before the beginning of the legislative session. If the budget program has just been prepared by the outgoing Governor and submitted to the legislature, the new Governor cannot be held responsible for it. Estimates may be gathered and compiled under the supervision of the old administration, but the new administration will have the power to make up the budget and present it to the legislature. The new Governor will make up the budget after he has appointed his departmental heads and can call them into conference to determine their relative needs in the financial program for the coming year.

2. The Governor will be required to review all estimates of expenditures and with the aid and counsel of his administrative colleagues to prepare a complete plan of proposed expenditures in which the relative importance of all demands on the treasury are considered.

3. The Governor will have a permanent staff agency to assist him in the collection of budget data and the preparation of the budget. Under the proposed plan of organization the bureau of administration in the executive department will be charged with the duty of gathering the estimates and other information relative to the budget and of making a complete compilation of all budget data for the use of the Governor.

4. The Governor will be required to hold public hearings on a tentative budget before its presentation to the legislature.

5. The Governor will be required to present to the legislature early in the session a complete plan or budget embracing all the proposed expenditures shown in connection with the anticipated revenues of the state; also a statement of the

condition of the treasury, both at the beginning and at the end of the period covered by the budget, and a program of revenue measures. If found necessary, in financing expenditures for public works, to raise part of the moneys required by the issuance of bonds, then the budget will contain an estimate of such proposed expenditures with a statement of the amount to be raised by bond issues. Full details will be given as to the requirements to be attached to the issuance of the bonds.

6. The legislature will be required to begin immediately and openly to consider the Governor's budget.

7. The Governor will have the right, and it shall be his duty, to meet with the committee of the legislature as a whole to explain, discuss and define his financial proposals.

8. The legislature will not be permitted to pass any appropriation bill except upon recommendation by the Governor, until the Governor's entire plan is acted upon.

9. The legislature will not be permitted to add to the Governor's proposed budget, but only to reduce and strike out items therein.

10. The legislature will be allowed to provide for expenditures in addition to those contained in the Governor's budget only by special procedure and subject as at present to the Governor's veto.

11. The Governor will be given authority to supervise the expenditure of all appropriations and will be required to report transfers and changes in the schedules or allotments of appropriations to the legislature. In order that the Governor and his department heads may have reasonable latitude in making expenditures, the appropriation or budget bill will not be rigidly itemized. One of two plans will be adopted. The first plan contemplates that the appropriation for each main class of expenditures in an organization unit will be made in lump sum with a supporting schedule for each lump sum. This schedule will serve as a guide to expenditures rather than a rigid program, transfers being permitted within a schedule by application to and approval by the Governor. Under the second plan a lump sum appropriation will be made by the legislature to each main class of expenditure in an organization unit, and control over the expenditure will be secured by requiring each unit to allocate its lump sum appropriation with the approval of the Governor just prior to the beginning of the fiscal year for which the appropriation is made.

(B) *Text of constitutional amendments recommended.*

The complete text of the constitutional amendments drafted and recommended by the New York State Reconstruction Commission is as follows:

21. No money shall ever be paid out of the treasury of this state or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; all appropriations or balances of appropriations remaining unexpended or unencumbered at the end of the fiscal year for which they are made shall revert to the state treas-

ury; except that appropriations for the purchase of land, or the erection of buildings or new construction, shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made.

22. All money shall be appropriated in accordance with the provisions which follow.

By November fifteenth, annually, all departments and agencies, including the judiciary and the legislature, asking appropriations from the state, shall submit to the Governor, upon blanks furnished by him, estimates of their financial needs for the next ensuing fiscal year. At the time of receiving such estimates, the Governor shall secure estimates of all anticipated revenues of the state for the fiscal year next ensuing. The Governor's budget staff shall receive such estimates and prepare and make available to the public a tentative budget thereof. The Governor shall then provide for public hearings on such tentative budget and thereafter shall, in his discretion, revise all estimates of expenditures before their inclusion in the budget.

By February first next succeeding the Governor shall present the budget to the legislature. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year next ensuing. The proposed expenditures shall be fully itemized. The budget shall show, in comparison with each item of the proposed expenditures, the amount appropriated and the amount actually expended for the last preceding fiscal year, also the amount appropriated for the current fiscal year. The budget shall include (1) a current balance sheet; (2) a statement of debts and sinking funds; (3) an estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget; (4) a statement of any taxation measures which the Governor may propose for increasing the state's revenue; and (5) a statement of any proposed bond issue, giving the amount, term and purpose of such bonds and the requirements to be attached to their issuance.

The Governor shall, at the time of presenting the budget to the legislature, submit a bill containing the proposed appropriations for the fiscal year covered by said budget. The presiding officer of each House shall forthwith introduce the same therein. The Governor may, with the consent of and before final action by the legislature, amend or supplement such bill. Immediately after the introduction of the budget bill the standing committee of both Houses in charge of appropriation measures shall begin to consider it, and shall sit jointly in open sessions while so doing. At any time during the consideration of the budget bill the Governor shall have the right, and it shall be his duty when requested by the legislature, to appear before the legislature or any committee thereof, and to be heard or to answer questions in respect thereto. The legislature shall not alter or amend the budget bill except by striking out or reducing items thereof.

Neither House of the legislature shall make other appropriations, except emergency appropriations as hereinbefore

provided, until the budget bill shall have been finally acted upon by both Houses; and no such other appropriation shall be valid except it be embodied in a separate "supplementary appropriation bill" for a single object therein stated and shall provide the revenue necessary for the appropriation thereby made by a tax, to be laid and collected as shall be directed in such bill, unless it appears from the budget that there is sufficient revenue available therefor.

In case of an emergency the Governor shall present to the legislature an appropriation bill or bills, providing for the expenditures needed to meet such emergency, and shall recommend the immediate passage of the same. Any such bill shall be known as an "Emergency appropriation bill." The legislature may amend any emergency appropriation bill by increasing or decreasing the items contained therein, subject to the approval of the Governor, as provided in section 9 of article IV of the Constitution.

The Governor shall have the power to require all departments and agencies receiving money from the state to install and keep such books and records as he may deem necessary to supply full and accurate information relative to their operation and financial management.

(C) *Short statement of recommendations of commission compared with provisions in other states.*

First. *That no money shall be paid out of the treasury except upon appropriations made by law.*

This is the provision of article III, section 16, of the present Constitution of Pennsylvania. Indeed, the adoption of an executive state budget system would appear to involve the striking out of section 15 of article III, and placing of all provisions respecting the appropriations and the paying out of public money under one section, or a series of sections beginning with section 16, article III.

Second. *That appropriations unexpended or unencumbered at the end of the fiscal period for which they are made shall revert to the state treasury; except that appropriations for the purchase of land, or the erection of buildings or new construction, shall continue in force until the attainment of the object for which such appropriations are made.*

Limitations on time of payment or on the life of the appropriating act are found in the constitutions of twelve states. See index Digest to State Constitutions, p. 39.

Third. *That by a stated date all agencies asking appropriations from the state shall submit to the Governor estimates of their financial needs.*

This is required by the constitutions of Maryland, Massachusetts and West Virginia (to the board of public works, of which the Governor is a member), by a pending constitutional amendment of Indiana, and by statute in sixteen other states. Furthermore, the statutes of eleven other states require the submission of estimates to bodies of which the Governor is a member, and the statutes of three additional states require the submission of estimates to bodies entirely appointed by the Governor.

Fourth. *That the Governor shall cause to be compiled these estimates of financial needs, and shall make such compilation available to the public and hold public hearings on such estimates.*

This is required by the constitutions of Maryland and West Virginia (board of public works, of which the Governor is a member), by the pending constitutional amendment of Indiana, and by statute in a number of states.

Fifth. *That by a stated date the Governor shall submit a budget to the legislature containing a complete plan of proposed expenditures.*

The commission in this connection recommends that the Constitution shall prescribe in detail the form and content of the budget as follows:

- (1) In comparison with each item of the proposed expenditures, the amount appropriated and the amount actually expended for the last preceding fiscal year, also the amount appropriated for the current fiscal year.
- (2) A current balance sheet.
- (3) A statement of debts and sinking funds.
- (4) An estimate of the state's financial condition as of the beginning and end of the fiscal year covered by the budget.
- (5) A statement of any taxation measures which the Governor may propose for increasing the state's revenues.
- (6) A statement of any proposed bond issues, giving the amount, term and purpose of such bonds and the requirements to be attached to their issuance.

The constitutions of Maryland and West Virginia and a pending constitutional amendment in Indiana require the submission of a budget in substantially the form and detail recommended by the New York Reconstruction Commission. The constitution of Massachusetts, while requiring the Governor to submit a budget, does not go into as much detail. Its provisions are:

Within three weeks after the convening of the general court the Governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. This shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the Governor shall determine.

Nineteen other states require the Governor by statute to submit a budget.

Sixth. *That at the time of presenting the budget to the legislature the Governor shall submit a bill containing the proposed appropriations for the fiscal period covered by said budget. The presiding officer of each House shall forthwith introduce the same therein. The Governor may, with the consent of and before final action of the legislature, amend or supplement such bill. Immediately after the introduction of the budget bill the standing committees of both Houses in charge of appropriation measures shall begin to consider it, and shall sit jointly in open sessions while so doing. At any time during the consideration of the budget bill the Governor shall have the right, and it shall be his duty when requested by the legislature or any com-*

mittee thereof, to be heard or to answer questions in respect thereto. The legislature shall not alter or amend the budget bill except by striking out or by reducing items thereof.

The constitutions of Maryland and West Virginia and a pending constitutional amendment of Indiana require an appropriation bill to be submitted by the Governor. In Massachusetts the Governor is not required by the constitution to submit an appropriation bill, but there is an express requirement that "all appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill."

In the constitutions of Maryland and West Virginia the legislature is prohibited from increasing an item in the budget, except for the legislature or the judiciary. In Massachusetts the constitution permits the legislature to increase or decrease items, and to add new items or omit items.

Seventh. *That neither House of the legislature shall make other appropriations, except emergency appropriations as hereinafter provided, until the budget bill shall have been finally acted upon by both Houses; and no such other appropriation shall be valid except it be embodied in a separate supplementary appropriation bill for a single object therein stated and shall provide the revenue necessary for the appropriation thereby made by a tax, to be laid and collected as shall be directed in such bill, unless it appears from the budget that there is sufficient revenue available therefor.*

The constitutions of Maryland and West Virginia and a pending amendment to the constitution of Indiana prohibit the legislature from making any appropriations until both Houses of the legislature shall have finally acted upon the general appropriation bill, with the one exception that in case of actual or threatened invasion of their respective states appropriations may be made for the payment of its obligations. The constitution of Massachusetts provides that "before final action on the general appropriation bill it (the legislature) shall not enact other appropriation bills except on the recommendation of the Governor."

With respect to supplementary appropriations, the constitutions of Maryland and West Virginia and a pending constitutional amendment of Indiana contain provisions practically identical with those recommended by the New York commission. The constitution of Massachusetts provides that every appropriation bill other than the one based on the Governor's budget "shall provide the specific means for defraying the appropriations therein contained."

Eighth. *That in case of an emergency the Governor shall present to the legislature an appropriation bill or bills, providing for the expenditures needed to meet such emergency, and shall recommend the immediate passage of the same. Any such bill shall be known as an "emergency appropriation bill." The legislature may amend any emergency appropriation bill by increasing or decreasing the item contained therein subject to the approval of the Governor.*

Such an emergency appropriation can be made in Massachusetts on the recommendation of the Governor, but apparently not in Maryland or West Virginia, except to repel actual or threatened invasion.

Ninth. *That the Governor shall have the power to require all departments and agencies receiving money from the state to install and keep such books and records as he may deem necessary to supply full and accurate information relative to their operation and financial management.*

There are apparently no exactly similar provisions in the constitution of any state. There are a few states, as Connecticut, Michigan and Oklahoma, which prescribe or make provision for systems of accounting.

If the Governor is to be required to submit a budget, the New York Commission contends that he must be put in a position to secure from any officer or department or other agency desiring an appropriation such information in regard to their financial operations and condition as he may desire.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 8.

STATE BUDGET SYSTEM—CONSTITUTIONAL PROVISIONS IN MASSACHUSETTS.

Harrisburg, December 27, 1919.

Hon. George E. Alter,
Acting Chairman of Committee No. 1.

Dear Sir: I understand your committee desires a memorandum on the Massachusetts constitutional provisions in respect to an executive state budget system.

The constitutional budgetary provisions of Massachusetts were adopted by vote of the people November 5, 1918. They were article of amendment No. 16 of the Massachusetts constitutional convention of 1917-1919. The provisions are as follows:

Section 1. *Collection of Revenue.* All money received on account of the commonwealth from any source whatsoever shall be paid into the treasury thereof.

Section 2. *The Budget.* Within three weeks after the convening of the general court the Governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. This shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the Governor shall determine. For the purpose of preparing his budget, the Governor shall have the power to require any board, commission, officer or department to furnish him with any information which he may deem necessary.

Section 3. *The General Appropriation Bill.* All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill. The general court may increase, decrease, add or omit items in the budget. The general court may provide for its salaries, mileage and expenses, and for necessary expenditures in anticipation of appropriations, but before final action on the general appropriation bill it shall not enact any other appropriation bill except on recommendation of the Governor. The Governor may at any time recommend to the general court supplementary budgets which shall be subject to the same procedure as the original budget.

Section 4. *Special Appropriation Bills.* After final action on the general appropriation bill on recommendation of the Governor, special appropriation bills may be enacted. Such bills shall provide the specific means for defraying the appropriations therein contained.

Section 5. *Submission to the Governor.* The Governor may disapprove or reduce items or parts of items in any bill appropriating money. So much of such bill as he approves shall upon his signing the same become a law. As to each item disapproved or reduced, he shall transmit to the House in which the bill originated his reason for such disapproval or reduction and the procedure shall then be the same as in the case of a bill disapproved as a whole. In case he shall fail so to transmit his reasons for such disapproval or reduction within five days after the bill shall have been presented to him, such items shall have the force of law unless the general court by adjournment shall prevent such transmission, in which case they shall not be law.

Very truly yours,

WM. DRAPER LEWIS,

Secretary.

MEMORANDA AND BRIEFS No. 9.

COURTS—REORGANIZATION RECOMMENDED BY AMERICAN JUDICATURE SOCIETY.

Harrisburg, December 26, 1919.

Hon. Hampton L. Carson,
Chairman of Committee No. 2.

Dear Sir: I understand that you desire a memorandum on the recommendations of the American Judicature Society with respect to the organization of state courts.

The American Judicature Society was organized in 1913 "to promote the efficient administration of justice." Its board of directors is composed of the following lawyers:

- Harry Olson, Chairman,
Chief justice of the municipal court of Chicago.
- Woodbridge N. Ferris,
Ex-Governor of Michigan.
- James Parker Hall,
Dean of the University of Chicago Law School.
- Edward W. Hinton,
Professor of Law in the University of Chicago Law School.
- Frederick Bruce Johnstone,
Of the Chicago bar.
- Albert M. Kales,
Of the Chicago bar.
- Frederick W. Lehmann,
Of the St. Louis bar; former president of the American Bar Association; former Solicitor General of the United States.
- Nathan William MacChesney,
Of the Chicago bar; president of the Illinois Commission on Uniform State Laws.
- Robert W. Millar,
Professor of Law, Northwestern University School of Law.
- Roscoe Pound,
Dean of Harvard University Law School.
- Horace K. Tenney,
Of the Chicago bar.
- John H. Wigmore,
Dean of the Northwestern University School of Law.
- John B. Winslow,
Chief justice of the Wisconsin supreme court.
- Herbert Harley,
Secretary.

The council of the Society embraces over 300 well-known men from all parts of the United States, among whom are many lawyers. To the members of this council the publications of the Society are sent and from them criticisms are received.

The work of the Society has consisted in presenting to the public and more especially to lawyers carefully considered suggestions in regard to the organization of courts, the dispatch of judicial business and the selection of judges. These suggestions were finally embodied by the directors in legislative form, and the drafts of acts so written were printed and given a wide circulation. As a result of the consequent criticisms and of further study and reflection, revised drafts were written by the directors and again circulated. It is to the proposals of these revised drafts that I direct your attention in answer to your request for a memorandum.

The recommendations of the American Judicature Society deal with three matters:

- (1) The organization of courts.
- (2) The dispatch of judicial business.
- (3) The selection of judges.

1. The Organization of Courts.

The Society recommends the abolition of all courts not of record and the union of all the courts of a state into a single court which they have called for convenience the general court of judicature.

This general court is divided into the "court of appeals," which corresponds to our supreme and superior courts, the "superior court" which is to discharge, broadly speaking, the duties of our courts of common pleas, and the "county courts" which are to handle the smaller local business.

The court of appeals is to consist of several branches, preferably of three members each, and each of these branches will in the ordinary case dispose finally of such appeals from the lower courts as shall be assigned to it. This, the Society argues, will ensure real consideration of each case by each justice who joins in deciding it, and will eliminate the risk of falling permanently into a system under which the average case is carefully considered only by that member of the supreme court to whom it is assigned.

The inner circle of the court of appeals is called the supreme court division of the court of appeals, and corresponds closely to our supreme court. Appeals in certain cases would lie to this division from the other divisions, or direct from the lower courts, as might be prescribed by rules. The duty of construing the Constitution would undoubtedly rest upon this supreme court division.

Next to the court of appeals comes the superior court, which is separated into a number of territorial divisions; for a large state five divisions are suggested. This is the court of original jurisdiction in the more important cases and of intermediate appellate jurisdiction in certain cases. The judges of the superior court are to be assisted by salaried masters who perform whatever judicial duties may be assigned to them by general rule, and especially the *ex parte* business of the court and the decisions of questions of pleading.

The lowest court is the county court, with jurisdiction in criminal cases except those involving very serious crimes, in civil suits involving not more than \$500, and in all civil suits by agreement of the parties. The county judge or judges are *ex officio* masters of the superior court. They in turn are assisted by district magistrates who need not be lawyers, who correspond to our justices of the peace, but differ from them in that they are directly accountable to the courts and removable by them.

In large cities, such as Philadelphia and Pittsburgh, there is provided a metropolitan court to take the place of both the superior and county courts. A chief justice presides over this metropolitan court and sees that judges are properly assigned to various divisions, such as chancery, criminal, probate, civil jury trials and domestic relations.

The head of all the courts is the chief justice of the state, to whom large administrative and appointive powers are given. He must assign members of the appellate court to their respective divisions, and may assign judges of the superior court to temporary service in the appellate court. He must preside at periodic meetings of all the judges of the state and must collect such information, issue such orders and make such suggestions for legislation as will result in the proper administration of justice. In a word, he is the conspicuous

figure who is personally responsible for the general success or failure of the state's judicial system.

The chief justice is assisted in administrative work by the judicial council, which consists of the chief justice and a small number of the more experienced judges.

Each division of the superior court has its presiding justice and the chief justice or his appointee acts as presiding justice of all the county courts.

2. The Dispatch of Judicial Business.

The regulation of procedure and practice is left entirely with the judicial council. Rules issued by them, after due notice, cover all matters of this kind now covered either by statute or by rules of court. The judicial council also regulates the duties of all court officers and the costs of all judicial proceedings.

In large cities where there is a metropolitan court, scope is allowed for the adoption by that court of rules peculiarly suited to the needs of the locality.

3. The Selection of Judges.

The American Judicature Society depreciates any change in the selection of judges where the present system is satisfactory. Subject to this qualification, they recommend that judges, masters and district magistrates be selected as follows (with due protection of the positions and salaries of present judges):

- (a) The chief justice by a popular election for a term of four or six years.
- (b) The justices of the court of appeals by appointment of the chief justice from among the judges of the superior court.
- (c) The judges of the superior court by appointment of the chief justice from among active practitioners or judicial officers.
- (d) County judges by election.
- (e) Masters by appointment of the chief justice and the presiding justices of the divisions to which they are to be attached.
- (f) District magistrates by appointment of the county commissioners with the approval of the county judge.

3a. The Retirement of Judges.

The Society does not recommend the system of recall by popular election, nor do they recommend the system of periodic competitive elections now in existence in Pennsylvania. They suggest a third course, calculated to give the voters periodic opportunities to register approval or disapproval of a judge without confusing the issue by the presentation of the name of a rival candidate.

At the end of his first three years of service every judge of the court of appeals or of the superior court comes before the voters at an election in which the only question is, "Shall Judge X be continued in office?" If the voters answer this question in the negative, a vacancy is created which will be filled by appointment of the chief justice. If the answer is in the affirmative the judge continues in office for a further period of six years, when he submits to a similar election. If he is again continued in office it is for a further period of nine years, at the end of which time, if a third and last election favors him, he becomes a judge for life subject to good behavior. The

same system is applied to county judges, with slightly different terms between elections.

In the opinion of the Society such a method of selecting and retiring judges will focus the attention of the voters upon a man's judicial record and character and will tend toward the desirable practise of retaining the sitting judges in office.

There are also provided as methods for retiring judges, impeachment, removal by two-thirds vote of the general assembly for cause and after opportunity for defense, and removal by the judicial council in like manner.

A more detailed statement of the suggestions of the American Judicature Society may be obtained from the Society's publications and particularly from Bulletin VII A, "Second Draft of a State-wide Judicature Act," and Bulletins IV A and IV B dealing with metropolitan courts. These publications are on file in the Secretary's office.

The establishment in Pennsylvania of a judicial system substantially as recommended by the American Judicature Society could be made possible by the following constitutional provisions:

1. Elimination in the Constitution of all reference to specific courts except the supreme court, leaving the general assembly free to create and change inferior courts at will.
2. The establishment of the chief justice as a constitutional officer, with large appointive and administrative powers.
3. Vesting all power to regulate practice and procedure in the courts or in certain judicial officers.
4. The retention of all present inferior courts until altered or changed by the general assembly.
5. The protection of judges from unfair change in duties and from loss of salary.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 10.

BUDGET SYSTEM—RECOMMENDATIONS OF NEW YORK 1915 CONVENTION.

Harrisburg, Pa., January 3, 1920.

Hon. William I. Schaffer,
Chairman of Commission.

Dear Sir. On December 18th Mr. Pinchot said: "May I ask that the Secretary furnish the members of the committee with this section (relating to the responsibility of the Governor in respect to the bud-

get), or, if practical, the complete document of the New York Constitution?"

I understand from Mr. Pinchot that the information desired is all matter in the Constitution of the state of New York proposed by the constitutional convention of 1915, in relation to (1) an executive state budget system, and (2) any other provisions in reference to the responsibility of the Governor to the people or to the legislature not found in the present Constitution of Pennsylvania.

I have been unable to find any provisions in the constitution proposed by the New York convention of 1915, dealing with the responsibility of the Governor, either to the people or to the legislature, not found in the present Constitution of Pennsylvania. I, therefore, confine this memorandum to the executive state budget system found in the constitution proposed by the 1915 New York constitutional convention.

With respect to the main features of this system I refer you to Memoranda and Briefs No. 7, in which the proposals of the New York State Reconstruction Commission of 1919 are set forth. These proposals substantially resemble those of the 1915 convention. The 1915 plan, however, differs from that of 1919 in certain respects:

- (1) It does not provide for a permanent staff agency to assist the Governor in collecting data and preparing budgets.
- (2) It does not permit the Governor to revise estimates submitted to him for legislative or judicial needs.
- (3) It requires the Governor to appear before the legislature only if that body demands his appearance.
- (4) It permits appropriation items included in the Governor's bill to be increased by the legislature if they are items for the legislature or judiciary.
- (5) It does not give the Governor the control of expenditures and the latitude in shifting the appropriations from item to item which are given by the 1919 plan.

Yours very truly,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 11.

COURTS—ORGANIZATION OF THE INTERMEDIATE APPELLATE COURTS OF NEW YORK STATE.

Harrisburg, Pa., January 3, 1920.

Hon. Hampton L. Carson,
Chairman of Committee No. 2.

Dear Sir: I understand that you desire a memorandum on the intermediate appellate courts of New York state.

The state of New York is divided into four judicial departments, in each of which there sits an appellate court called the appellate division of the supreme court. The appellate division of the first department, which includes New York city, has seven judges, while the other divisions have five judges each. These judges and the presiding justices of each division are appointed for a term of five years by the Governor from among those elected to the supreme court, which is the state-wide court of first instance. A majority of the justices of each division are required to live in the judicial department to which that division is assigned.

In each judicial department appeals lie from final judgments of the supreme court to the appellate division of that department. The work of the appellate division is entirely appellate, except that a division may hear motions in the first instance and except also that the judges may sit at *nisi prius* in departments other than their own. Appeals may be transferred from one division to another if pressure of business requires.

From the four appellate divisions appeals lie to the court of appeals, which is the court of last resort. Appeals are of right:

- (1) In capital cases.
- (2) From final judgments of an appellate division.
- (3) From orders granting a new trial in civil cases provided that the appellant stipulates that upon affirmance, final judgment shall be entered against him.

Appeals to the court of appeals may also be allowed by the appellate division.

The jurisdiction of the appellate divisions may be extended but not curtailed by the legislature; while the jurisdiction of the court of appeals may be limited if the amount of property involved is not made the criterion of limitation.

Very truly yours,
WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 12.

COURTS—ORGANIZATION AND OPERATION OF COURT OF COMMON PLEAS OF ALLEGHENY COUNTY.

Harrisburg, Pa., January 3, 1920.

Hon. Hampton L. Carson,
Chairman of Committee No. 2.

Dear Sir: I understand you desire a memorandum on the organization and operation of the court of common pleas of Allegheny county under the constitutional amendment of November 7, 1911.

There are fourteen common pleas judges, one of whom is commissioned as president judge. At the beginning of each year the judges adopt a schedule assigning the various members to their respective

duties during the ensuing year. This schedule in a general way provides a monthly arrangement and assigns each month one judge to the common pleas assignment room, four or five to criminal court, and from five to seven to the trial of jury cases in common pleas. Jury trials are held continuously through the year except for three months in the summer and except for the time set apart for equity trials and new trial arguments. One judge is always present in the assignment room for the disposition of motions, etc., the selection of juries and the assigning of cases to the various courts for trial. Equity trials are held three times a year, each equity trial list consuming one week's time.

The general argument list is heard once a month beginning on the first Monday thereof, the court *in banc* for that purpose being generally two and sometimes three judges assigned to that task. If the list is unusually long it is divided into two and heard at the same time by two separate sets of judges. New trial arguments are heard every six or eight weeks, the court *in banc* for that purpose consisting of the trial judge and two other judges.

Cases are placed on the list and distributed for trial as follows:

Five hundred cases are taken in their order from the issue docket and placed upon a printed trial list. Every Friday afternoon this list is called by the Judge then sitting in the assignment room and a list of cases is then set down for trial during the following week, together with those cases which are still undisposed of on the preceding week's list. This printed list is called on ensuing Fridays until the same has been gone through three times. On the third call a case must either be set down for trial, continued, or placed by consent of counsel or for cause shown on what is called the deferred list. Cases on the deferred list must be called up for trial within three months or they are automatically continued. These cases may be put on the list for trial by filing a written stipulation of counsel with the clerk. From the weekly list of cases, the clerk each day makes out a list which constitutes the daily list for the next day.

The cases on this daily list are called for trial in the assignment room where the juries are selected, and from there the case is assigned to the first unoccupied courtroom for trial.

Yours very truly,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 13.

CHARITABLE INSTITUTIONS—APPROPRIATIONS TO.

Harrisburg, Pa., January 6, 1920.

Mrs. John O. Miller,
Commissioner.

Dear Madam: I understand you desire a memorandum on the state's appropriations to institutions not owned and controlled by the commonwealth or any political subdivision thereof, and more especially answers to two questions.

First Question.

To what extent do the state's appropriations to institutions not owned and controlled by the state conform to the recommendations of the State Board of Public Charities?

In 1915 out of 269 institutions receiving appropriations	61 or 22.6% received the identical amounts recommended by the board.
	17 or 6.9% received more than the amount recommended by the board.
	184 or 68.3% received less.
In addition	7 or 2.6% received appropriations although they were not institutions to which the board had recommended an appropriation.
While	15 for whom the board had recommended appropriations, failed to receive them.

That is to say, out of a possible 284 appropriations, about one-fifth conformed to the recommendations of the board.

In 1917 out of 282 institutions receiving appropriations	88 or 31.1% received appropriations identical with those recommended by the board.
	41 or 14.6% received more than the board recommended.
	146 or 51.7% received less.
In addition	7 or 2.4% received appropriations although they were not institutions to which the board had recommended an appropriation.

That is to say, 194 institutions or 68.7% received amounts different from those recommended and only a little less than one-third conformed to the recommendations.

In 1919 there were fewer discrepancies, owing to a very positive announcement by the Governor that he desired the appropriations to conform to recommendations.

Out of	297 appropriations
	140 or 47.1% received amounts identical with those recommended by the board.
	47 or 15.8% received more.
	97 or 32.6% received less.
In addition	12 or 4% received appropriations despite the failure of the board to recommend them.
	1 failed to receive an appropriation despite recommendation.
	1 other, which received an indefinite recommendation, received an appropriation.

From the above figures it would appear that in a half to two-thirds of all cases the board's recommendations are not exactly followed.

If we examine the action of the legislature itself, disregarding the corrective action of the Governor, the discrepancies are still greater.

Thus in 1915, as the bills passed the legislature, 35.1% of the institutions received less than the board recommended, 20.6% received more, and 34.4% received the same; while 6.4% received appropriations without the board's recommendation, and 3.4% of the applicants were denied appropriations despite the board's recommendations.

In 1917 the legislature granted to 80 institutions more than the board recommended, granted to 103 others less, and to only 94, the same; while 10 others received appropriations despite the board's recommendations to the contrary. That is, out of a possible 287 appropriations the legislature disregarded the board's suggestions in more than 200 cases. The variations are almost as often upward as downward.

In 1919 sixty appropriations were granted by the legislature exceeding the amounts that the board recommended, 93 less, 11 received appropriations without recommendation, and 132 received the same as the board's recommendations.

The figures given are taken from the reports of the Board of Public Charities and the pamphlet laws.

Second Question.

To what extent are appropriations to charitable institutions not owned and controlled by the state proportional to the work done by those institutions?

To completely and satisfactorily answer this question it would be necessary to come to an agreement on all the factors which determine the work done by charitable institutions. One of these factors on which figures are available is the cost of the service. The following figures relating to a few of the hospitals receiving state aid in 1917 would appear to indicate that the amount of aid given bears little relation to the cost of the service performed.

TABLE.

HOSPITAL.	Appropriation per free hospital day, year 1917.	Ratio of appropria- tion to total cost of free service (per cent.)
Allegheny General, Pittsburgh,	\$2 70	85
Barnes Mem., Susquehanna, ----	3 65	101
Adrian, Punxsutawney, -----	1 50	72
Allegheny Valley, Tarentum, ---	2 20	100
Brownsville, -----	3 15	100
Bradford, -----	1 63	79
Carlisle, -----	2 86	55
Corry, -----	2 43	65
Eye and Ear, Pittsburgh, -----	4 30	103
Wills Eye, Philadelphia, -----	1 60	67
McKeesport, -----	2 85	117
Mercy, Johnstown, -----	1 10	49
Jefferson, Philadelphia, -----	3 00	100
Lankenau, Philadelphia, -----	1 00	22
Kensington, Philadelphia, -----	3 00	118
Passavant, Pittsburgh, -----	1 05	36

Very truly yours,

WM. DRAPER LEWIS,

Secretary.

MEMORANDA AND BRIEFS No. 14.

COURTS—REGULATION OF PROCEDURE.

Harrisburg, Pa., January 6, 1920.

Hon. Hampton L. Carson,
Chairman of Committee No. 2.

Dear Sir: I understand that your committee desires a memorandum on the delegation to the courts of the power to regulate the methods to be followed in judicial proceedings.

The general assembly in Pennsylvania has always regulated the details of judicial procedure to a very large extent. The enforcement of these regulations and the control of such further details as have

not been touched by the general assembly have been left to be dealt with by rules of court. Such rules have been declared valid provided they are fair and reasonable.

No effort has ever been made, so far as I am aware, to intrust the whole matter of procedure to the judiciary. The only constitutional objection which could be urged against such a course is the provision of article II, section 1, by which "the legislative power of this commonwealth" is "vested in a general assembly." The power to regulate forms of action, the nature of pleadings, the form and service of process, the procedure of trial, and the forms and methods to be pursued in entering judgment, taking appeals and issuing execution, is unquestionably a legislative power. The question then arises whether this power can be lawfully delegated to the courts.

It has been recognized in Pennsylvania from very early times (Barry v. Randolph, 3 Binn. 277 1810), that courts of record have an inherent right to make rules for the regulation of judicial business; and this power has been expressly confirmed in the various courts by acts of assembly which permit rules "not inconsistent with the Constitution and laws of the commonwealth." The right of Congress and of our general assembly to delegate to the Supreme Courts of the United States and of Pennsylvania, respectively, the power to regulate procedure in equity has not been questioned. I see no reason why the same delegation of power is not proper with respect to all judicial proceedings.

The validity of rules of court has been sustained, in various jurisdictions, with respect to a large variety of procedural matters, including pleading, notice, security for costs, continuances, admissibility of evidence and stays of execution.

The power to regulate appears to be both legislative and judicial, although the legislative power can be exercised to the exclusion of the judicial. If the legislature declines to exercise the power there is no reason why it should not be exercised by the courts.

In my opinion the whole field of procedure could, under our Constitution, be lawfully left to the courts for regulation. The following constitutional provision would put the question beyond doubt:

The general assembly may vest in any court or courts or judges the power to regulate partly or wholly the methods to be followed in judicial proceedings.

If it were desired to vest the power of regulation exclusively in the courts the following provision would be appropriate:

Except as otherwise provided by this Constitution, the power to regulate the methods to be followed in judicial proceedings shall be vested exclusively in the supreme court; but such power may be vested in such other court or courts or in such judges as the general assembly may prescribe.

If it were desired to vest the power of regulation in the courts except where the general assembly should act in any particular matter, the following provision would be appropriate:

Except where the general assembly shall exercise the power to regulate partly or wholly the methods to be followed in judicial proceedings, such power shall be vested in the su-

preme court; but such power may be vested in such other court or courts or in such judges as the general assembly may prescribe.

If either of the last two provisions should be adopted, it would be necessary to provide in the schedule of the Constitution that existing statutes and rules of practice should continue in force until superseded.

Very truly yours,
WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 15.

SUFFRAGE—RESTRICTIONS AS TO NEWLY NATURALIZED PERSONS.

Harrisburg, Pa., January 6, 1920.

Mrs. John O. Miller,
Commissioner.

Dear Madam: I understand that you desire a memorandum on the subject of the imposition of restriction upon the use of the franchise by newly naturalized persons.

Such a restriction would take the form of a requirement of residence, duration of citizenship, education or property qualification. For example, a naturalized citizen might be required to have lived ten years in the state before he could vote, or to have been a citizen for ten years, or to have a certain amount of education or of property.

Our Constitution now requires in article VIII, section 1, that a voter "shall have been a citizen of the United States at least one month" before election. In Minnesota the period is three months, and in New York it is ninety days. I know of no other restrictions in state constitutions which apply especially to the exercise of the franchise by foreign-born persons.

The question arises whether such restrictions are contrary to the fifteenth amendment to the Constitution of the United States, which provides: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude." Since the fourteenth amendment declares that all persons naturalized in the United States are citizens of the United States, it follows that any attempt to discriminate in the matter of the franchise against a naturalized person on account of his race would offend the Constitution of the United States.

I have found no decided case which raises this precise question. In Minnesota (State ex rel. vs. Weber, 96 Minn. 422, 1915), the state supreme court decided that the three months' period of citizenship

required by the Minnesota Constitution as a prerequisite to the right to vote does not offend the fourteenth amendment to the United States Constitution which forbid the states to abridge the privileges or immunities of citizens of the United States. This decision was proper, since the right to vote is not a "privilege or immunity of citizens of the United States." But the question arising under the fifteenth amendment does not appear to have been discussed in that case, although it could have been raised.

In the Debates of the Pennsylvania Constitutional Convention of 1873 I can find no discussion as to the constitutionality of the one month's citizenship clause which the delegates then inserted in the Constitution. Probably the period was so short that the idea of a dispute as to the validity of the provision did not suggest itself. And for the same reason there appears to have been no attempt to litigate the question.

It is clear that to require a foreign-born citizen to submit to special suffrage restrictions would be to abridge his right to vote. Would his right be abridged "on account of race?" I believe that it would. At any rate, the question is so doubtful that I personally should not venture to recommend putting into the state Constitution a substantial restriction of this kind upon the assumption that its constitutionality would be sustained.

The fifteenth amendment was, of course, intended to protect the negro, and so far as I am aware all the cases construing it have been cases involving the rights of negroes. But the language and reason of the amendment apply equally to citizens of European birth. The word "race" of course may refer only to those racial divisions of mankind which are generally designated by their colors—white, black, brown and red. But there is no authority for adopting such an interpretation. I believe that the Supreme Court of the United States might very well say that "race" was equivalent to nationality, and that a state can no more discriminate in the matter of the franchise against a citizen because he is foreign-born than it can discriminate against a colored man because he is African-born.

If it were desired to insert a provision of this kind in the Constitution, taking the risk that it would be declared contrary to the Constitution of the United States, it would only be necessary to strike out the words "one month" in article VIII, section 1, and to substitute such length of time as seemed proper.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 16.

CHARITABLE APPROPRIATIONS—AMOUNT OF, TO AND SERVICES RENDERED BY INSTITUTIONS NOT CONTROLLED BY STATE.

Harrisburg, Pa., January 12, 1920.

Hon. William I. Schaffer,
Chairman of Commission.

Dear Sir: I understand the Commission desires a memorandum on the service rendered by charitable institutions not controlled by the state, and the amount of such appropriations, on data furnished by Mr. Bromley Wharton, secretary of the state Board of Public Charities.

I transmitted the request of the Commission to Mr. Wharton, and have received from him the following letter and enclosure.

Philadelphia, January 10, 1920.

William Draper Lewis, Esq.,
Secretary, Commission on Constitutional Amendment and Revision,
Law School, University of Pennsylvania,
34th and Chestnut Streets,
Philadelphia, Pa.

Dear Dean Lewis: I have your favor of the 8th instant, and I enclose a statement which will give you the information desired.

1. The total number of charitable institutions, not owned and controlled by the state, receiving state appropriations is—170 hospitals, 5 sanatoria, 120 homes, asylums, etc., a total of 295 institutions.
2. The total amount of money appropriated by the last legislature (1919) to hospitals, sanatoria, homes and asylums (not controlled by the state) is \$7,635,389.20.
3. As noted on the enclosed statement, the recommendations of the board to the legislature for appropriations to the hospitals and homes are based on the *free service rendered*.

We also consider the question of apparent need, but the recommendation in each instance is based upon the *amount of money expended for free service*.

In addition to this, during the year 1918, the hospitals of the state treated 725,213 dispensary patients.

In nearly all the hospitals, particularly those in the large cities, a social-service department is maintained, and social workers investigate and follow up the indigent cases admitted to the institution, ascertaining whether or not the patient is deserving of free treatment.

As a check on the expenditure of this money, the Auditor General's office is a factor. For instance, the appropriation is paid by the state to a hospital in quarterly payments, provided, that after an

examination of their books by the traveling auditor they show a need for this amount; otherwise, the amount of the actual deficit only is granted.

Since 1911 the Board of Public Charities has not made any recommendations for buildings or additions to buildings to any private state-aided hospital or home. Our recommendations, therefore, have been for *maintenance only*.

Our Harrisburg office will send you twenty-five copies of our statistical book about which I spoke to you yesterday, to be delivered to you at Harrisburg.

Trusting this will give you the information you desire, I have the honor to remain, sir,

Respectfully yours,
BROMLEY WHARTON,
General Agent and Secretary.

APPROPRIATIONS FOR TWO YEARS BY THE LEGISLATURE
OF 1919 TO INSTITUTIONS NOT CONTROLLED
BY THE STATE.

General hospitals,	170
Amount,	\$6,277,900 00
(In this is included all teaching hospitals, special hospitals for cancer, children, eye and ear, maternity, stomach and nervous diseases.)	

In arriving at our recommendations to the legislature, the *modus operandi* is as follows: We have before us a sworn statement of the financial facts of the institution at the end of the state's fiscal year. This shows the income from all sources for maintenance and the expenditures for the same. We analyze the reports carefully and note if there is any extravagance in the expense column. We then figure their hospital days, their cost per diem, and the number of free hospital days. We then multiply the free hospital days by the cost per diem, which will give the amount of money expended for free service. Our recommendations for state aid in no case ever exceed the amount of free service performed in any institution.

*Average cost per capita per diem in institutions not controlled by the state, 1918,	\$2 61
Number of free hospital days for the year 1918,	1,497,595
*Cost of free hospital days for the year 1918 @ \$2.61, ..	\$3,908,722 95
*Cost of free hospital days for two years @ \$2.61, ..	7,817,445 90
Amount appropriated by legislature of 1919 for free hospital days for two years,	6,277,900 00
<hr/>	
Amount appropriated by legislature of 1919 to 5 sana- toria not controlled by the state,	\$155,200 00
<hr/>	
Amount appropriated by the legislature of 1919 to 120 homes, asylums, etc., for the care of aged, children, friendless, cripples, epileptic, blind (not controlled by the state),	\$1,202,289 20
<hr/>	

*The \$2.61 is used as an illustration. Each hospital is figured out on its own cost per capita separately.

I have directed that the copies of the statistical book referred to in Mr. Wharton's letter be distributed among the members of the Commission.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 17.

STATE DUTIES IMPOSED ON LOCAL EXECUTIVE OFFICERS.

Harrisburg, Pa., January 12, 1920.

Mr. Francis Newton Thorpe,
Chairman of Committee No. 3.

Dear Sir: I understand that you desire a memorandum on state duties imposed on local executive officers.

The following is a list of state duties imposed by law on local executive public officers:

I. COUNTY OFFICERS NAMED IN THE CONSTITUTION.

1. *Sheriff.*

(a) He shall notify the Auditor General of the sale of the property or franchise of corporations, limited partnerships and joint-stock associations on writs of execution. 29 May 1901, sec. 1, P. L. 344 (4 P. 4581).

(b) He shall remove inmates of the Western Pennsylvania Hospital when required so to do by the chief physician. 22 April 1863, sec. 8, P. L. 542 (2 P. 2377).

2. *Coroner.* None

3. *Prothonotary.*

(a) He shall collect certain fees for the commonwealth. 6 April 1830, P. L. 273 (4 P. 4595).

(b) He shall render an account annually in December to the Auditor General of state taxes collected by him. 6 April 1830, sec. 7, P. L. 273 (4 P. 4596); 5 April 1848, sec. 1, P. L. 335 (4 P. 4596).

(c) Prothonotaries and clerks of criminal courts shall make annual reports of the criminal business of their courts to the Secretary of the Commonwealth. 27 Feb. 1847, sec. 2, P. L. 173 (3 P. 3673).

(d) He shall report to the State Treasurer judgments entered in favor of the commonwealth. 30 March 1811, sec. 30, 5 Smith 235 (3 P. 3673).

(e) He shall report each month to the Auditor General the names of corporations incorporated by the courts of common pleas. 9 June 1911, P. L. 738 (6 P. 7147).

4. *Register of Wills.*

(a) He shall collect a state tax of fifty cents for each probate of a will or grant of letters, and account therefor

annually to the Auditor General and pay the tax to the State Treasurer. 6 April 1830, secs. 5 and 7, P. L. 273 (4 P. 4595); 15 March 1832, secs. 34 and 36, P. L. 144 (4 P. 4079).

(b) He shall be the agent of the commonwealth for the collection of the direct and collateral inheritance tax of resident decedents and shall account therefor to the Auditor General. 30 June 1919, No. 258.

5. *Recorder of Deeds.*

(a) He shall collect and account to the Auditor General and pay to the State Treasurer all state taxes for recording. 6 April 1830, sec. 4, P. L. 273 (4 P. 4595); 5 April 1848, sec. 1, P. L. 335 (4 P. 4596).

6. *County Commissioners.*

They are required:

(a) To transmit to the Secretary of the Commonwealth an annual statement of money paid by the counties for support of any penitentiary or jail and for the criminal courts. 15 May 1841, sec. 9, P. L. 395 (1 P. 867).

(b) To transmit to the Governor the returns of their respective assessors. 6 Jan. 1821, sec. 2, 7 Smith 342 (1 P. 587).

(c) To prepare ballots for primary elections and certify the returns for Federal and state offices to the Secretary of the Commonwealth. 12 July 1913, P. L. 719 (5 P. 6022).

(d) To account to the Auditor General for election expenses. 13 June 1907, sec. 2, P. L. 596 (5 P. 6027).

(e) To record the list of those persons liable to enrollment in the militia. 9 May 1899, sec. 3, P. L. 266 (3 P. 2532).

(f) To make return annually to the Secretary of Internal Affairs of all taxes collected in the counties. (The boards of revision of taxes are included.) 15 May 1874, P. L. 193; 9 May 1889, P. L. 157 (4 P. 4725).

(g) To cause the state personal property tax to be collected. 29 April 1844, sec. 40, P. L. 501 (4 P. 4541); 17 June 1913, P. L. 507 (7 P. 7613).

(h) To furnish to the Secretary of Internal Affairs statistics and information relating to the collection and assessment of taxes. 23 May 1919, No. 131.

7. *County Treasurer.*

He is required:

(a) To sue for the recovery of the mercantile license tax not paid before July 1 and remit the amount collected to the State Treasurer. 21 July 1919, No. 436.

(b) To collect and pay to the State Treasurer the state liquor license tax. 30 July 1897, P. L. 469 (2 P. 2331).

(c) To collect the inheritance taxes until the register of wills shall have entered bond. 30 June 1919, No. 258.

(d) To pay over to the state the personal property tax as fast as it is collected. 29 April 1844, sec. 40, P. L. 501 (4 P. 4541).

(e) To pay the pensions provided by law to soldiers and soldiers' widows and to settle with the State Treasurer. 14 April 1834, P. L. 290 (3 P. 3498).

(f) To make annual return to the Auditor General of the amount of indebtedness outstanding by his county. 11 May 1911, P. L. 236 (7 P. 7629).

(g) With the Auditor General, he appoints the mercantile appraisers in cities of the first class. 17 July, 1919, No. 403.

8. *Surveyors.* None.

9. *Auditor and Controller.*

They are required:

(a) To audit the accounts of the county treasurer with the county and the state. 15 April 1834, sec. 49, P. L. 545 (1 P. 861); 27 June 1895, sec. 15, P. L. 403 (1 P. 873).

10. *Clerks of the Courts.* See Prothonotaries.

11. *District Attorney.*

He signs all bills of indictment and conducts prosecutions in the name of the commonwealth or when the state is a party.

II. LOCAL EXECUTIVE PUBLIC OFFICERS CREATED BY STATUTE.

1. *Assessors.*

(a) They shall annually at the time of taking their assessment make a list of persons liable to enrollment in the militia. 9 May 1899, sec. 3, P. L. 266 (3 P. 2532).

(b) They are required to make lists of all taxable persons in their districts, and also lists of deaf, dumb and blind persons, which lists, after revision, are forwarded to the Governor by the commissioners. 6 Jan. 1821, 7 Smith 341; 26 March 1821, 7 Smith 393; 31 March 1836, sec. 2, P. L. 328 (1 P. 586).

2. *Burgesses.*

(a) The burgess or other chief officer of each incorporated district or borough is required to make return to the Auditor General of the amount of indebtedness outstanding by the district. 11 May 1911, P. L. 236 (7 P. 7629).

3. *Treasurer of School District.*

Same provisions as in the case of a burgess.

(Note. "P" in parentheses refers to Purdon's Digest, 13th Ed.)

Very truly yours,

WM. DRAPER LEWIS.

Secretary.

MEMORANDA AND BRIEFS No. 18.

LOCAL GOVERNMENT—CONSTITUTIONAL RESTRICTIONS.

Harrisburg, Pa., January 13, 1920.

Dr. Edgar Fahs Smith,
Chairman of Committee No. 5.

Dear Sir: I understand that you desire a memorandum on existing constitutional restrictions with respect to the creation and powers of local governments.

A. PRESENT POLITICAL SUBDIVISIONS.

Five kinds of municipalities are expressly recognized in the Constitution and now exist in Pennsylvania. They are:

1. Counties.
2. Cities.
3. Boroughs.
4. Townships.
5. School districts.

B. RESTRICTIONS COMMON TO ALL MUNICIPALITIES.

With respect to all of these, the general assembly is forbidden to enact local or special legislation creating them, altering their boundaries, or affecting their respective governments (art. III, sec. 7). Nor can this prohibition be circumvented by a statute which leaves to the municipality itself the determination of its frame of government. The general assembly may classify each group of municipalities, but the form of government for each class must be prescribed by general law (Pittsburgh's Petition, 138 Pa. 401, 430).

There are certain other restrictions which apply to all kinds of municipalities,

(a) They cannot give or lend money to or become stockholders in a private corporation. Art. IX, sec. 7.

(b) Their borrowing power is limited. Art. IX, secs. 8 and 15.

(c) The commonwealth cannot assume their debts, except in cases of rebellion or war. Art. IX, sec. 9.

(d) If they borrow money they must at the same time levy a tax sufficient to pay interest and principal within a prescribed period. Art IX, secs. 8, 10, 15.

(e) Municipal functions cannot be delegated by the general assembly to any special commission, such, for instance, as "sidewalk commissioners." Art. III, sec. 20; *Porter v. Shields*, 200 Pa. 241.

C. PARTICULAR RESTRICTIONS.

Other restrictions imposed upon the general assembly are as follows.

1. *Counties.*

(a) Creation.

A new county may be carved out of one or more old counties, provided that this does not reduce the size of any of the counties concerned below four hundred square miles or the population below 20,000, and provided also that the line of the new county is over ten miles from the county seat of any county so divided. (Art. XIII.)

Subject to these restrictions, the general assembly may provide by general law for the merger of counties, for the transfer of part of one county to another, and for the creation of new counties out of the territory of one or more old counties.

(b) Form of government and powers.

Article XIV of the Constitution prescribes eleven county officers by name. It also provides for the election of county officers, their qualifications, terms of office, and the method of their compensation.

Subject to these restrictions, the general assembly may by general law provide for the form and powers of government of counties.

2. *Cities.*

(a) Creation.

Article XV, section 1, of the Constitution provides that "cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same." The general assembly, in providing for the chartering of third class cities, has gone further than the Constitution and has allowed a city to be created out of two or more contiguous townships or boroughs having together a population of 10,000. This is apparently constitutional, since the word "may" is permissive only. (*Commonwealth v. So. Bethlehem*, 248 Pa. 581.) It follows that cities may be chartered under general laws, and that the territory taken to make up the city may include all or part of any number of other subdivisions. Additions to cities may be provided for in the same way.

(b) Form of government.

Subject to the limitations set forth above in B, the general assembly may by general law prescribe any form of government whatever for cities.

(c) Powers.

Every city must have a sinking fund to retire its bonds. Subject to this restriction and to those set forth above in B, the general assembly may give to cities any of the powers of government.

3. *Boroughs.*

(a) Creation.

The creation and expansion of boroughs may be provided for by general law without respect to existing territorial boundaries. That is, the general assembly may provide for the

formation or increase of boroughs out of one or more cities, boroughs or townships, or out of part of any of these, even though county lines be changed by doing so.

(b) Form of government and powers.

The authority of the general assembly in these respects is limited only by the provisions set forth above in B, which are common to all municipalities.

4. *Townships.*

(a) Creation.

The whole state outside of cities and boroughs is now divided into townships. The general assembly may by general law alter the boundaries of these townships in any way whatever, irrespective of county lines, and may provide for the transfer of part or all of a township to another township or to a borough or city.

(b) Form of government and powers.

The authority of the general assembly in these respects is limited only by the provisions set forth above in B, which are common to all municipalities.

5. *School Districts.*

(a) Creation.

There is no limitation with respect to the creation and transfer of school districts except the requirement that special and local legislation be avoided.

(b) Form of government and powers.

The authority of the general assembly in these respects is limited only by the provisions set forth above in B, which are common to all municipalities.

D. NEW FORMS OF MUNICIPALITIES.

The growth of cities, and especially of Philadelphia, suggests a further question: Can the general assembly create a new form of municipality to discharge certain of the functions of local government? For example, would an act be constitutional which created the metropolitan area of Philadelphia, embracing the present counties of Philadelphia, Bucks, Montgomery and Delaware, and which gave to the duly elected officials of the new municipality power to establish and regulate parks, to maintain a system of police, to protect the public health and to conserve the natural resources of the locality? Such an act would, of course, leave otherwise untouched the powers of local government in the several cities, counties, boroughs, townships and school districts of the area.

The power of the general assembly to take such action under the present Constitution is not entirely free from doubt.

There are certain indications that the power exists. In addition to the five kinds of municipalities already referred to, the Constitution suggests the possible existence of others. In article III, section 7, special laws are forbidden "incorporating cities, towns or *villages*." In article IX, section 7, the general assembly is forbidden to authorize "any county, city, borough, township or *incorporated district*" to become a stockholder in any private corporation. And in article IX, section 8, restrictions are imposed upon the borrowing power of "any

county, city, borough, township, school district or *other municipality or incorporated district.*"

These provisions, and especially the last, appear to recognize the right of the general assembly to create political subdivisions other than those now in existence. The power to create poor districts, for instance, has never been questioned so far as I am aware. But, if this power exists, it is hard to understand why the restrictions with respect to local and special legislation are not applied also to such new kinds of municipalities. That they do not apply is plain, because in every pertinent clause of article III, section 7, five types of municipalities are recited by name—except for the mention of "villages" as noted above.

It must be admitted, however, that the Constitution contains no express prohibition of the right to create new kinds of municipalities, unless such a prohibition be intended by article III, section 20, which reads:

The general assembly shall not delegate to any special commission, private corporation or association any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

This section covers cases in which it is sought to create within a municipality a new agency to perform municipal functions, without making the new agency a part of the existing municipal government. (*Moll v. Morrow*, 253 Pa. 442.) It does not appear that it forbids the creation of a new kind of municipality, e. g., a metropolitan area, for which a form of government is created and to which the performance of certain municipal functions is assigned.

But the question of the constitutionality of an act creating metropolitan areas is certainly not free from doubt. A new Constitution should undoubtedly contain such provisions as to put the matter beyond dispute, if it be desired to empower the general assembly to create kinds of municipalities other than the five now mentioned in the Constitution.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 19.

CHARITABLE APPROPRIATIONS—BASIS AND AMOUNTS OF 1919 APPROPRIATIONS.

Harrisburg, Pa., January 19, 1920.

Hon. George E. Alter,
Chairman of Committee No. 1.

Dear Sir: I understand you desire a memorandum on the basis and amounts of 1919 appropriations by the general assembly.

In order to obtain the information desired I submitted seven questions to Mr. Bromley Wharton, Secretary of the State Board of Public Charities. I submit herewith the questions with answers based upon the information given me by Mr. Wharton.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

QUESTION 1.

State the amount appropriated by the general assembly of 1919 to each charitable institution not controlled by the state, the amount expended by each such institution for maintenance, and the amount expended by each such institution for free service.

The following table gives this information. It must be remembered that the amounts in column 2 represent appropriations for two years running from June 1, 1919, to May 31, 1921, while the amounts in columns 3 and 4 represent the cost of maintenance and of free service, respectively, for only one year. It should also be noted that the 1919 appropriation figures are taken from an unofficial record made by the executive clerk in the Governor's office. Most of the 1919 appropriation bills have not yet been printed.

TABLE No. 1.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Adrian Hospital, Punxsutawney, Jefferson Co., -----	\$45,000 00	\$43,900 05	\$28,474 74
Allegheny General Hospital, Allegheny, Allegheny Co., -----	200,000 00	325,553 58	111,605 28
Allegheny Valley Hospital, Coudersport, Potter Co., -----			
Allegheny Valley General Hospital, Tarentum, Allegheny Co., -----	18,000 00	21,534 68	4,135 38
Allentown Hospital, Allentown, Lehigh Co., -----	41,000 00	167,703 06	35,888 08
Altoona Hospital, Altoona, Blair Co., -----	59,000 00	78,223 38	29,475 60
American Hospital for Diseases of the Stomach, Philadelphia, -----	12,000 00	30,734 45	6,184 26
American Oncologic Hospital, Philadelphia, -----	25,000 00	28,656 34	14,475 76

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Barnes, Simon H., Memorial Hospital, Susquehanna, Susquehanna Co., -----	4,000 00	7,117 33	1,678 65
Beaver Valley General Hospital, New Brighton, Beaver Co., -----	20,000 00	35,730 02	9,031 20
Bedford County Hospital, Bedford, Bedford Co., -----			
Bellefonte Hospital, Bellefonte, Centre Co., -----	20,000 00	20,618 14	10,897 36
Berwick Hospital, Berwick, Columbia Co., -----	10,000 00	14,745 19	5,238 72
Blair, J. C., Memorial Hospital and Training School for Nurses, Huntingdon, Huntingdon Co., ---	15,000 00	33,429 97	7,203 57
Braddock General Hospital, Braddock, Allegheny Co., -----	40,000 00	84,348 77	58,343 43
Bradford Hospital, Bradford, McKean Co., -----	24,000 00	52,566 14	19,688 83
Brownsville General Hospital, Brownsville, Fayette Co., -----	23,500 00	29,409 74	12,052 22
Bloomsburg Hospital, -----	11,000 00	20,809 15	11,749 92
Brookville Hospital, Brookville* (new institution), -----	5,000 00		
Buhl, Christian H., Hospital, Sharon, Mercer Co., -----	25,000 00	49,318 02	10,737 32
Butler County General Hospital, Butler, Butler Co., -----	20,000 00	33,894 45	9,675 00
Cambria Iron Company's Hospital, Johnstown, Cambria Co., -----			
Canonsburg General Hospital, Canonsburg, Washington Co., -----	6,400 00	12,656 75	3,116 50
Carbondale Hospital, Carbondale, Laekawanna Co., -----	35,000 00	33,586 86	16,869 23
Carlisle Hospital, -----	18,000 00	22,401 81	9,103 68
Chambersburg Hospital, Chambersburg, Franklin Co., -----	13,000 00	19,427 99	6,510 85
Charity Hospital, Norristown, Montgomery Co., -----	22,000 00	40,854 86	11,267 39

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Charity Hospital, Philadelphia, ---	4,000 00	5,484 37	-----
Charleroi Hospital, -----	8,000 00	13,925 98	2,489 40
Chester Hospital, Chester, Delaware Co., -----	74,000 00	83,251 72	36,581 00
Chester County Hospital, West Chester, Chester Co., -----	18,000 00	44,949 95	9,018 75
Chestnut Hill Hospital, Chestnut Hill, Philadelphia, -----	2,000 00	45,575 23	992 31
Children's Homeopathic Hospital, Philadelphia, -----	65,000 00	76,500 09	37,212 39
Children's Hospital, Philadelphia, -----	-----	-----	-----
Children's Hospital, Pittsburgh, Allegheny Co., -----	54,800 00	59,653 45	40,400 10
Citizens General Hospital, New Kensington, -----	16,000 00	33,418 94	8,328 88
City Hospital Association of Washington, Washington Co., -----	12,000 00	27,003 16	6,938 35
City Hospital, DuBois (new institution), -----	5,000 00	-----	-----
Clearfield Hospital, Clearfield, Clearfield Co., -----	23,000 00	45,260 02	11,824 64
Coatesville Hospital, Coatesville, Chester Co., -----	24,000 00	26,123 57	11,870 58
Columbia Hospital, Columbia, Lancaster Co., -----	15,000 00	14,654 92	8,937 72
Columbia Presbyterian Hospital, Wilksburg, Allegheny Co., -----	52,000 00	130,027 76	26,265 96
Conemaugh Valley Hospital, Johnstown, Cambria Co., -----	67,000 00	89,898 87	33,488 29
Corry Hospital, Corry, Erie Co., --	16,000 00	30,185 00	8,154 80
Crozer Hospital, Chester, Delaware Co., -----	-----	-----	-----
Douglass, Fred'k, Hospital, Philadelphia, -----	22,000 00	30,408 03	15,786 64
DuBois Hospital, DuBois, Clearfield Co., -----	25,000 00	25,533 41	14,514 88

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by gen- eral assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for main- tenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Easton Hospital, Easton, North- ampton Co., -----	29,000 00	66,159 20	14,592 60
Elk County General Hospital, Ridgway, Elk Co., -----	21,000 00	29,603 27	10,521 60
Ellwood City Hospital, Ellwood City, -----	4,000 00	6,699 31	1,056 78
Episcopal Hospital, Philadelphia,			
Eye and Ear Hospital, Pittsburgh,	42,000 00	47,260 80	20,798 40
Fabrani Italian Hospital, Philadel- phia, -----			
Frankford Hospital, Philadelphia,	62,000 00	78,624 18	31,324 16
Franklin Hospital, Franklin, Ve- nango Co., -----	13,000 00	18,574 95	3,398 50
Garrettson Hospital, Philadelphia,	20,300 00	30,698 65	10,157 70
General Hospital, Stroudsburg, ---	4,000 00	6,260 34	2,043 52
Lankenau Hospital, Philadelphia,	25,000 00	259,659 69	6,485 27
Germantown Hospital, German- town, Philadelphia, -----	30,000 00	132,646 25	81,344 00
Good Samaritan Hospital, Leba- non, Lebanon Co., -----	22,000 00	33,099 14	11,398 38
Grand View Hospital, Sellersville,	9,000 00	12,503 66	4,533 75
Greene County Hospital, Waynes- burg, -----			
Greenville Hospital, Greenville, Mercer Co., -----	11,000 00	14,479 59	5,139 09
Grove City Hospital, Grove City, Mercer Co., -----	8,000 00	6,922 13	2,813 92
Gynecean Hospital, Philadelphia,--	26,000 00	24,350 38	15,822 01
Hahnemann Hospital, Philadel- phia, -----	140,000 00	203,798 87	84,752 47
Hahnemann Hospital, Scranton, Lackawanna Co., -----	34,000 00	57,504 18	16,968 70
Hamot Hospital, Erie, Erie Co., --	50,000 00	118,983 63	27,981 88
Harrisburg Hospital, Harrisburg,	40,000 00	109,057 58	17,475 00

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Homeopathic Hospital, W. Chester, -----	14,400 00	18,370 80	7,200 12
Harrisburg Polyclinic Hospital, Harrisburg, -----	8,000 00	15,520 92	3,149 44
Homeopathic Medical and Surgical Hospital, Pittsburgh, -----	148,000 00	175,092 82	81,570 28
Homeopathic Hospital, Reading, Berks Co., -----	20,500 00	36,173 32	10,020 78
Homestead Hospital, Homestead, Allegheny Co., -----	20,000 00	23,637 40	13,525 72
Howard Hospital, Philadelphia, --	27,000 00	64,359 67	13,539 16
Indiana Hospital, Indiana, -----	26,000 00	44,758 05	13,162 74
Jefferson Hospital, Philadelphia, --	200,500 00	352,668 23	93,458 10
Jewish Hospital, Branchtown, Philadelphia, -----	80,000 00	133,730 64	57,317 45
Jewish Maternity Hospital, Philadelphia, -----			
Johnstown City Hospital, Johnstown, Cambria Co., -----	12,000 00	20,536 69	6,352 50
Kane Summit Hospital, Kane, McKean Co., -----	11,000 00	33,666 01	5,451 04
Kensington Hospital for Women, Philadelphia, -----	22,500 00	49,205 71	10,260 08
Kittanning Hospital, Kittanning, Armstrong Co., -----	8,000 00	10,272 58	5,287 66
Lancaster General Hospital, Lancaster, Lancaster Co., -----	45,000 00	82,147 33	22,645 88
Latrobe Hospital, Latrobe, Westmoreland Co., -----	14,500 00	20,099 13	6,485 27
Lewistown Hospital, Lewistown, Mifflin Co., -----	20,000 00	27,003 91	10,051 08
Locust Mountain Hospital, Shenandoah (new institution), -----	10,000 00		
Lock Haven Hospital, Lock Haven, Clinton Co., -----	40,000 00	36,595 91	24,436 68
Magee, Elizabeth Steel, Maternity Hospital, Pittsburgh, Allegheny Co., -----			

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Markleton General Hospital, Markleton, Somerset Co., -----	14,000 00	10,393 21	8,290 40
Maternity Hospital, Harrisburg, Dauphin Co., -----			
Maternity Hospital, Philadelphia, McKeesport Hospital, McKeesport, -----	7,400 00 96,000 00	9,642 95 127,878 26	3,725 37 34,304 70
Meadville City Hospital, Meadville, Crawford Co., -----	23,000 00	23,403 76	11,623 08
Medico-Chirurgical Hospital, Philadelphia, -----	50,000 00	152,533 47	45,124 80
Mercy Hospital of Altoona, Altoona, Blair Co., -----	20,000 00	24,911 72	7,890 96
Mercy Hospital, Johnstown, Cambria Co., -----	60,000 00	44,249 89	17,457 75
Mercy Hospital and Nurse School, Philadelphia, -----	40,000 00	11,965 99	7,113 60
Mercy Hospital, Pittsburgh, -----	192,000 00	218,925 60	124,702 55
Mercy Hospital, Wilkes-Barre, Luzerne Co., -----	80,000 00	72,627 20	38,514 34
Methodist Hospital, Philadelphia, -----			
Mid-Valley Hospital, Elakely, Lackawanna Co., -----	20,000 00	21,377 70	9,146 88
Miner's Hospital, Spangler, Cambria Co., -----	14,000 00	26,836 79	6,945 48
Misericordia, Philadelphia (new institution), -----	50,000 00		
Monongahela Hospital, Monongahela, Allegheny Co., -----	18,000 00	38,803 82	8,754 48
Monroe County Hospital, Stroudsburg, Monroe Co., -----			
Montefiore Hospital, Pittsburgh, -----	45,000 00	65,104 61	28,378 92
Mt. Pleasant Hospital, Mt. Pleasant, Westmoreland Co., -----	23,000 00	28,878 17	11,817 17
Mount Sinai Hospital, Philadelphia, -----	125,000 00 125,000 00	91,754 70 91,754 70	81,066 31 81,066 31
Nesbit West Side, Dorranceton, -----	6,000 00	21,979 54	6,428 25

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Nanticoke Hospital, Nanticoke, Luzerne Co., -----			
Nason Hospital, Roaring Spring, Blair Co., -----	14,000 00	17,355 98	7,009 65
Nat Stomaeh, Philadelphia (new institution), -----	3,000 00		
New Castle Hospital, New Castle, Lawrence Co., -----	25,000 00	13,567 61	7,886 68
North Pennsylvania General Hospital and Sanatorium, Austin, Potter Co., -----	6,000 00	6,016 03	2,371 62
Northeastern Philadelphia (new institution), -----	5,000 00		
Northwestern General Hospital, Philadelphia, -----	21,000 00	31,794 34	12,949 47
Ohio Valley Hospital, McKees Rocks, Allegheny Co., -----	35,000 00	39,487 95	18,771 02
Oil City Hospital, Oil City, Venango Co., -----	23,000 00	40,395 75	12,737 67
Paeker, Mary M., Hospital, Sunbury, Northumberland Co., -----	18,000 00	17,070 13	8,951 70
Paeker, Robert, Hospital, Sayre, Bradford Co., -----	40,000 00	119,448 62	23,850 71
Panther Creek Hospital, Coal Dale, Schuylkill Co., -----			
Passavant Hospital, Pittsburgh, --	32,000 00	81,228 68	22,837 10
Pennsylvania Hospital, Philadelphia, -----			
Pennsylvania Epileptic Hospital and Colony Farm, Oakbourne, Chester Co., -----	18,000 00	26,028 48	6,840 00
Peoples Co-operative Hospital, Sayre, Bradford Co., -----			
Philadelphia Lying-in Charity Hospital, Philadelphia, -----	28,000 00	27,916 03	14,876 14
Philadelphia Orthopaedic Hospital, Philadelphia, -----	50,000 00	108,175 13	24,395 20
Philadelphia Polyclinic Hospital, Philadelphia, -----	84,000 00	93,796 44	42,883 89

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Phoenixville Hospital, Phoenixville, Chester Co., -----	26,000 00	25,963 01	13,154 08
Pittsburgh Hospital (Sisters of Charity), Pittsburgh, -----	80,000 00	92,699 31	45,486 90
Pittston Hospital, Pittston, Luzerne Co., -----	20,000 00	25,530 48	10,129 12
Pottstown Hospital, Pottstown, Montgomery Co., -----	13,000 00	29,897 77	6,253 17
Pottstown Homeopathic,* -----	2,000 00	7,916 38	*3,792 14
Pottsville Hospital, Pottsville, Schuylkill Co., -----	50,000 00	72,075 09	26,238 18
Presbyterian Hospital, Philadelphia, -----			
Presbyterian Hospital, Allegheny, Allegheny Co., -----	40,000 00	137,101 14	20,628 00
Preston Retreat, Philadelphia, -----			
Prince of Peace Hospital, Philadelphia, -----			
Providence Hospital, Beaver Falls, Beaver Co., -----	20,000 00	35,326 17	16,466 49
Providence General, Philadelphia (new institution), -----	5,000 00		
Punxsutawney Hospital, Punxsutawney, Jefferson Co., -----	22,600 00	34,894 30	11,382 16
Ratti, Joseph, Hospital, Bloomsburg, Columbia Co., -----			
Reading Hospital, Reading, Berks Co., -----	47,000 00	89,998 01	28,681 45
Reineman Maternity Hospital, Pittsburgh, -----			
Renovo Hospital, Renovo, Clinton Co., -----	8,000 00	9,762 43	4,019 02
Rochester General Hospital, Rochester, Beaver Co., -----	22,000 00	38,014 16	12,199 14
Roosevelt Hospital, Philadelphia, -----	17,000 00	20,747 29	9,271 89
Rouse Hospital, Youngsville, Warren Co., -----			

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by gen- eral assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for main- tenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Sacred Heart, Allentown, -----	10,000 00	29,043 39	4,958 34
Salvation Army Hospital, Phila- delphia, -----			
St. Agnes Hospital, Philadelphia,	50,000 00	125,071 76	66,942 50
St. Christopher Hospital for Chil- dren, Philadelphia, -----	18,000 00	32,205 98	10,537 52
St. Francis Hospital, Pittsburgh,--	200,000 00	306,802 44	112,708 05
St. John's Hospital, Allegheny, Al- legheny Co., -----	25,000 00	77,068 50	10,482 84
St. Joseph's Hospital, Lancaster, Lancaster Co., -----			
St. Joseph's Hospital, Philadel- phia, -----	75,000 00	141,980 89	50,142 42
St. Joseph's Hospital, Pittsburgh.	43,000 00	63,381 27	23,828 55
St. Joseph's Hospital, Reading, Berks Co., -----	35,000 00	65,410 70	29,385 54
St. Luke's Hospital, Bethlehem, Northampton Co., -----	45,000 00	131,045 81	45,991 67
St. Luke's Homeopathic Hospital, Philadelphia, -----	40,000 00	51,673 60	21,045 92
St. Margaret's Memorial Hospital, Pittsburgh, -----			
St. Mary's Hospital, Philadelphia,	100,000 00	113,617 35	74,951 49
St. Mary Keller, Seranton (new in- stitution), -----	5,000 00		
St. Timothy's Hospital, Philadel- phia, -----	50,000 00	61,972 80	33,098 50
St. Vincent's Hospital, Erie, Erie Co., -----	60,000 00	122,919 21	36,244 78
Samaritan Hospital, Philadelphia,	80,000 00	118,644 13	41,113 25
Sewiekley Valley Hospital Associa- tion, Sewiekley, Allegheny Co., --	20,000 00	46,249 55	11,063 22
Shenango Valley Hospital, New Castle, Lawrence Co., -----	27,000 00	50,488 75	13,636 72
South Side Hospital, Pittsburgh, Allegheny Co., -----	112,000 00	182,812 92	73,215 66

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Spencer Hospital, Meadville, Crawford Co., -----	15,000 00	22,861 27	10,492 09
Springdale General Hospital, Springdale, Allegheny Co., -----			
State Hospital for Injured Miners, Ashland, Schuylkill Co., -----			
State Hospital for Injured Persons, Blossburg, Tioga Co., -----			
State Hospital for Injured Persons, Connellsville, Fayette Co., -----			
State Hospital for Injured Persons of the Middle Coal Field, Hazleton, Luzerne Co., -----			
State Hospital for Injured Persons, Mercer, Mercer Co., -----			
State Hospital for Injured Persons, Philipsburg, Centre Co., -----			
State Hospital of the Trevorton, Shamokin and Mt. Carmel Coal Fields, Shamokin, Northumberland Co., -----			
State Hospital of the Northern Anthracite Coal Regions, Scranton, Lackawanna Co., -----			
Stetson Hospital, Philadelphia, ---	8,000 00	50,243 80	5,676 92
Suburban General Hospital, Bellevue, Allegheny Co., -----	16,000 00	39,101 74	7,925 40
Taylor Hospital Association, Taylor, Lackawanna Co., -----	28,000 00	17,041 88	14,178 85
Taylor Hospital, Ridley Park,* ---	8,000 00	19,460 65	6,456 78
Titusville Hospital, Titusville, Crawford Co., -----	11,000 00	15,347 21	7,195 25
Todd Hospital, Carlisle, Cumberland Co., -----			
Uniontown Hospital, Uniontown, Fayette Co., -----	43,000 00	64,490 74	20,454 00
University of Pennsylvania Hospital, Philadelphia, -----	190,000 00	400,395 09	122,070 02

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by gen- eral assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for main- tenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Warren Emergency Hospital, War- ren, Warren Co., -----	23,000 00	37,766 16	11,692 56
Washington Hospital, Washing- ton, Washington Co., -----	14,000 00	25,271 02	5,852 00
Wayne County Hospital Associa- tion, Honesdale, Wayne Co., ----	-----	-----	-----
Waynesburg City Hospital, Waynes- burg, Greene Co.,* -----	7,000 00	10,839 33	4,454 72
Waynesburg Hospital, Waynes- burg, Greene Co., -----	-----	-----	-----
Western Pennsylvania Hospital, Pittsburgh, -----	160,000 00	389,902 10	75,994 08
Westmoreland Hospital Associa- tion, Greensburg, Westmoreland Co., -----	28,500 00	58,670 41	14,232 25
West Philadelphia General Homeo- pathic Hospital, Philadelphia, --	20,000 00	27,135 22	11,637 87
West Philadelphia Hospital for Women, Philadelphia, -----	20,000 00	51,229 97	10,110 75
West Side Hospital, Seranton, Laekawanna Co., -----	55,000 00	34,234 57	30,157 60
Wilkes-Barre Hospital, Wilkes- Barre, Luzerne Co., -----	90,000 00	181,721 55	84,885 01
Williamsport Hospital, Williams- port, Lyeoming Co., -----	67,000 00	76,654 05	33,371 60
Wills Hospital, Philadelphia, ----	60,000 00	54,562 86	32,495 76
Williams Valley, Williamstown (new institution), -----	8,000 00	-----	-----
Windber Hospital, Windber, Som- erset Co., -----	-----	-----	-----
Womens Homeopathic Hospital As- sociation, Philadelphia, -----	42,000 00	71,532 23	20,873 16
Womens Hospital, Philadelphia, --	63,000 00	109,930 46	33,633 00
Women's Medieal College of Penn- sylvania Hospital, Philadelphia,	48,000 00	68,122 35	27,856 35
Womens Southern Homeopathic Hospital, Philadelphia, -----	20,000 00	34,558 57	11,592 24

TABLE No. 1—Continued.

HOSPITALS.	Appropriation by general assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Workingmans Hospital, Berlin, Somerset Co., -----			
Wyoming Valley Homeopathic Hospital, Wilkes-Barre, Luzerne Co.,	11,600 00	15,901 85	5,931 64
York Hospital, York, York Co., --	28,000 00	43,085 60	13,892 36
Totals, -----	\$6,277,900 00	\$10,288,652 63	\$3,601,156 91

*Not included in statistical book.

TABLE No. 2.

SANATORIA.	Appropriation by general Assembly of 1919 for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.	Amount spent for free service during year ending May 31, 1918.
Grand View Hospitals for Consumptives, Oil City, Venango Co., and Bon Air (Northwestern Anti-Tuberculosis League, -----	10,000 00	50,693 77	8,209 04
Phipps Institute for Consumptives, Philadelphia, -----			
Home for Consumptives, Chestnut Hill, Philadelphia, -----			
Philadelphia Jewish Sanatorium for Consumptives, Eaglesville, Montgomery Co., -----	50,000 00	60,304 38	25,260 43
Rush Hospital for Consumptives, Philadelphia, -----	58,000 00	44,428 34	28,862 89
Seranton Society for the Prevention and Cure of Tuberculosis, Mountain, Seranton, Lackawanna Co., -----	7,200 00	10,472 07	3,572 20
Tuberculosis League of Pittsburgh, Pittsburgh, -----	30,000 00	57,862 14	9,939 84
Wyoming Valley Society for Consumptives, Wilkes-Barre, Luzerne Co., -----			
Totals, -----	\$155,200 00	\$223,760 70	\$75,844 40

Note.—In the statistical book hospitals not receiving state aid are included in the lists showing the expenditures.

TABLE No. 3.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Aged Colored Womens Home, Williamsport, Lycoming Co., -----	\$2,400 00	\$1,376 15
Agricultural and Mechanical Industrial School for Colored Boys and Girls, Jumonville, Fayette Co., -----		
Almira Home for Aged Ladies, New Castle, Lawrence Co., -----	9,200 00	9,500 33
Allegheny Society to Protect Children, etc., Pittsburgh, -----		
Associated Charities and Humane Society of Lackawanna County, Scranton, -----		
Avery Trade School, Allegheny, Allegheny Co., -----		
Baptist Home, Philadelphia, -----		
Baptist Orphanage, Angora, Philadelphia, -----		
Barclay House, West Chester, Chester Co., -----		
Beacon Light Mission, Custer City, McKean Co., -----	4,000 00	10,839 36
Beaver County Childrens Home, New Brighton, -----	7,000 00	9,955 28
Bedford Street Mission, Philadelphia, -----		
Bethany Home for Colored Children, Philadelphia, -----		
Bethany Orphans Home, Womelsdorf, Berks Co., -----		
Bethesda Orphans Home, Pittsburgh, -----	5,600 00	3,519,99
Bethesda Orphans Home, Chestnut Hill, Philadelphia, -----		
Beulah Anchorage, Reading, Berks Co., -----	4,000 00	3,970 56
Boys Industrial Home, Oakdale, Allegheny Co., -----	20,000 00	29,817 02
Boys Industrial Home, Williamsport, Lycoming Co., -----	5,000 00	23,277 44
Brethrens Home, Neffsville, Lancaster Co., -----		
Burd Orphans Asylum, Philadelphia, -----		
Butler Memorial Home, Philadelphia, -----		
Carter, Jr., Republic, Redington, Northampton Co., -----		

MEMORANDA AND BRIEFS

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Catholic Home for Children, Philadelphia, -----	15,000 00	31,464 96
Childrens Aid Society, Chambersburg, Franklin Co., -----	2,000 00	5,250 02
Childrens Aid Society, Meadville, Crawford Co., -----	6,000 00	7,450 17
Childrens Aid Society, Pittsburgh, Allegheny Co., -----	20,000 00	46,923 60
Childrens Aid Society, Somerset, Somerset Co., -----		
Childrens Aid Society of Pennsylvania, Philadelphia, -----	55,000 00	220,896 72
Childrens Country Week Association, Philadelphia, -----		
Childrens Home, Johnstown, Cambria Co., -----		
Childrens Home, Waynesburg, Greene Co., -----		
Childrens Home, York, York Co., -----	1,000 00	14,255 56
Childrens Home, Arden, Washington Co., -----		
Childrens Home, South Bethlehem, Northampton Co., -----	4,000 00	7,446 40
Childrens Industrial Home, Harrisburg, -----	7,500 00	11,837 18
Childrens Home of Pennsylvania, Pittsburgh, -----		
Childrens Temporary Home, Pittsburgh, -----		
Christian Home for Women, Allegheny, Allegheny Co., -----	2,000 00	6,968 51
Church Home for Children, Angora, Philadelphia, -----		
Church Home for Children, Jonestown, Lebanon Co., -----		
Christ Church Hospital Home, Bala, Philadelphia Co., -----		
Christ Home for Children, Philadelphia, -----		
Christian Home, Johnstown, Cambria Co. (new institution), -----	4,500 00	
Christian Home for Girls, Pittsburgh, -----		
Church Home, Pittsburgh, -----		
Church Home for Children, Philadelphia, -----		

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Coleman Industrial Home for Colored Boys, Pittsburgh, -----	3,600 00	4,597 84
Colestock Old Peoples Home, Mechanicsburg, Cumberland Co., -----		
Colored Day Nursery, Harrisburg, -----		
Colored Womens Relief Association, Pittsburgh.	2,000 00	4,243 38
Crittenton, Florence, Home, Erie, Erie Co., ----	600 00	2,290 01
Crittenton, Florence, Mission, Harrisburg, ----	1,600 00	1,196 42
Crittenton, Florence, Mission, Pittsburgh, -----	1,000 00	1,906 00
Crittenton, Florence, Mission, Scranton, Lackawanna Co., -----	4,000 00	4,272 25
Crittenton, Florence, Mission, Wilkes-Barre, Luzerne Co., -----	1,400 00	5,403 19
Crittenton, Florence, Home, Williamsport, Lycoming Co., -----	2,000 00	1,160 81
Curtis Home, Pittsburgh, -----	7,000 00	4,921 53
Day Nursery, Baldwin, Philadelphia, -----		
Day Nursery, Willing, Philadelphia, -----		
Day Nursery, Harrison, Philadelphia, -----		
Day Nursery, Northern, Philadelphia, -----		
Day Nursery, J. D. Kent, Philadelphia, -----		
Day Nursery, Kensington, Philadelphia, -----		
Day Nursery, Lombard, Philadelphia, -----		
Day Nursery, Forty-ninth Street, Philadelphia, -----		
Day Nursery and Temporary Home, Allegheny, Allegheny Co., -----		
DePaul Institute, Scott township, Allegheny Co.,	34,689 20	19,192 00
Door of Blessing, Philadelphia, -----		
Door of Hope, Philadelphia, -----		
Downingtown Industrial School for Colored Youth, Downingtown, Chester Co., -----	40,000 00	35,139 13
Drexel, Mary J., Home, Philadelphia, -----		

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Easton Home for Friendless Children, Easton, Northampton Co., -----	8,000 00	11,573 42
Elkins Home for Girls, Philadelphia, -----		
Elmwood Home, Erie, Erie Co., -----	2,800 00	20,997 36
Emaus Orphans Home, Middletown, Dauphin Co., -----		
Erie Home for the Friendless, Erie, Erie Co., ---	20,000 00	29,399 11
Erie Infants Home, Erie, -----	2,400 00	9,446 43
Evangelical Home for the Aged, Philadelphia, --	4,500 00	4,902 96
First Allegheny Day Nursery and Temporary Home for Children, Pittsburgh, -----	4,400 00	6,726 99
Forrest Home, Tacony, Philadelphia Co., -----		
Foster Home, Philadelphia, -----		
Foulke and Long Institution for Girls, Langhorne, Bucks Co., -----		
Franklin Reformatory for Inebriates, Philadelphia, -----		
Friends Home for Children, Philadelphia, -----	4,000 00	7,193 01
Galilee Mission, Philadelphia, -----		
George Junior Republic, Grove City, Mercer Co.,	9,000 00	8,279 09
German Baptist Home, Philadelphia, -----	4,000 00	8,035 68
German Evangelical Lutheran Orphans Home, Pittsburgh, -----		
German Protestant Home, Fair Oaks, Allegheny Co., -----	5,000 00	8,132 75
German R. C. St. Joseph's Orphan Asylum of Allegheny County, Pittsburgh, -----		
Girard College, Philadelphia, -----		
Gusky, J. M., Orphanage and Home of Western Pa., Allegheny, Allegheny Co., -----		
Gwynedd Home for Convalescent Children, Gwynedd, Montgomery Co., -----		
Haddock Memorial Home, Philadelphia, -----		
Hayes Mechanics Home, Philadelphia, -----		

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Hebrew Orphans Home, Philadelphia, -----		
Hebrew Sheltering Home, Philadelphia, -----	8,000 00	25,695 84
Holy Family Private Home, Danville, Montour Co., -----		
Home for the Aged (Hebrew), Pittsburgh, -----		
Home for the Aged, Philadelphia, -----	6,000 00	4,362 61
Home for the Aged, Easton, Northampton Co., -----	6,000 00	5,904 59
Home for the Aged and Infirm Deaf, Doylestown, Bucks Co., -----		
Home for the Aged Colored Women, Pittsburgh, -----	6,000 00	6,353 26
Home for Aged Colored Women, Philadelphia, -----		
Home for Aged Couples, Philadelphia, -----		
Home for Aged Couples and Old Men, Bala, Montgomery Co., -----		
Home for Colored Children, Allegheny, Allegheny Co., -----	4,400 00	12,536 83
Home for Convalescents, West Chester, Chester Co., -----		
Home for Destitute Colored Children, Philadelphia, -----		
Home for Discharged Prisoners, Philadelphia, ---	5,000 00	37,489 28
Home for the Friendless, Harrisburg, -----	7,000 00	8,000 31
Home for the Friendless, Williamsport, -----	18,000 00	17,684 71
Home for the Friendless Children, Lancaster Co., -----	10,000 00	12,208 22
Home for the Friendless, Reading, Berks Co., --	5,000 00	11,651 00
Home for Friendless, Scranton, Lackawanna Co., -----	11,200 00	19,472 29
Home for Friendless, Pittsburgh, -----		
Home for the Friendless, Wilkes-Barre, Luzerne Co., -----		
Home for Inebriates, Philadelphia, -----		
Home for the Homeless, Philadelphia, -----	2,000 00	

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Home for Orphans of Odd Fellows, Philadelphia, -----		
Home for Reformed Presbyterian Couples, Pittsburgh, -----		
Home for Veterans and Wives of the G. A. R., Philadelphia, -----	30,000 00	27,320 61
Home for Widows, etc., Lebanon, Lebanon Co., -----	4,000 00	3,931 05
Home for Widows, Reading, Berks Co., -----	4,000 00	7,228 30
Home for Widows and Orphans of Odd Fellows, Ben Avon, Allegheny Co., -----		
Home for the Little Sisters of the Poor, Pittsburgh (East End), -----		
Home of the Little Sisters of the Poor, Pittsburgh (Penn Ave.), -----		
Home of the Little Sisters of the Poor, Philadelphia, -----		
Home of the Little Sisters of the Poor, Germantown, Philadelphia, -----		
Home of the Little Sisters of the Poor, Allegheny, Allegheny Co., -----		
Home of the Merciful Savior, Philadelphia, -----		
Home of St. Joseph's for Old Ladies, Pittsburgh, -----		
Hospital School for Backward Children, Pittsburgh, -----		
House of Good Shepherd, E. E., Pittsburgh, Troy Hill, -----	25,000 00	31,069 77
House of the Good Shepherd, Allegheny, Allegheny Co., Lincoln Ave., -----	20,000 00	71,641 84
House of the Good Shepherd, Philadelphia, -----	20,000 00	60,717 01
House of Good Shepherd, Germantown, -----	9,000 00	41,717 11
House of Good Shepherd, Reading, Berks Co., -----	20,000 00	32,137 30
House of Good Shepherd, Scranton, Lackawanna Co., -----	15,000 00	36,711 46
House of the Holy Child, Philadelphia, -----		
House of Rest, Philadelphia, -----		

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
House of St. Michaels and All Angels, Philadelphia, -----		
Howard Institute, Philadelphia, -----		
Improvement Childrens Home, Pittsburgh, -----		
Indigent Widows, etc., Philadelphia, -----		
Industrial Home for Colored Working Girls, Pittsburgh, -----		
Industrial Home for the Dependent Adult Blind Citizens of the City of Pittsburgh, Pittsburgh, -----		
Industrial Home for Crippled Children, Pittsburgh, -----	25,000 00	27,867 13
Institute for Colored Youth, Cheyney, Delaware Co., -----		
Jewish Foster Home, Germantown, Philadelphia, -----		
Jewish Sheltering Home, Philadelphia, -----	6,000 00	17,565 49
Juniata Valley Childrens Aid Society, Huntingdon, Huntingdon Co., -----		
Kaufman, Irene, Settlement, Pittsburgh, -----		
Kingsley House Association, Pittsburgh, -----		
Knights of Pythias Home, Harmony, Butler Co., -----		
Ladies G. A. R. Home, Hawkins Station, Allegheny Co., -----	35,000 00	21,336 98
Leamy Home, Mt. Airy, Philadelphia, -----		
Long Asylum, Lancaster, Lancaster Co., -----		
Lutheran Orphans Home, Topton, Berks Co., -----		
Lutheran Orphans Home, Germantown, Philadelphia, -----		
Magdalen Society, Philadelphia, -----		
Masonic Home, Philadelphia, -----		
Messiah Home, Harrisburg, -----	2,600 00	5,543 78
Messiah Orphanage, Grantham, -----	3,000 00	4,354 39
Messiah Home, Germantown, Philadelphia, -----		
Methodist Home, Philadelphia, -----		

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Methodist Orphanage, Philadelphia, -----		
Midnight Mission, Philadelphia, -----	3,500 00	7,869 96
National Farm School, Doylestown, Bucks Co., -----	20,000 00	63,093 73
Nazarene Home, Philadelphia, -----	7,000 00	6,779 09
New Castle Industrial Home, New Castle, Lawrence Co., -----		
Northern Association for the Relief of the Poor, Philadelphia, -----		
Northern Home for Friendless Children, Philadelphia, -----	20,000 00	30,568 09
Northern Tier Home, Harrison Valley, Potter Co. (new institution), -----	1,000 00	
Northwestern Pennsylvania Humane Society, Erie, Erie Co., -----		
Nugent, George, Home for Baptists, Germantown, Philadelphia, -----		
Nursery Home, Harrisburg, -----	5,500 00	8,217 20
Odd Fellows Home, Meadville, Crawford Co., -----		
Odd Fellows Home, Philadelphia, -----		
Odd Fellows Home for Children, Pittsburgh, -----		
Old Folks Home, Carlisle, Cumberland Co., -----		
Old Ladies Home, Wissinoming, Philadelphia, -----	10,000 00	29,983 54
Old Mens Home, Philadelphia, -----		
Old Peoples Home, Zelienople, Butler Co., -----		
Orphans Asylum of the Holy Family, Emsworth, Allegheny Co., -----	35,000 00	19,292 53
Orphans Home and Asylum for the Aged and Infirm, Philadelphia, -----		
Orphans Farm School, Zelienople, Butler Co., -----		
Paradise Proteetory and Agrieultural School, Abbottstown, Adams Co., -----	8,000 00	11,250 28
Passavant Memorial Home, Rochester, Beaver Co., -----	15,000 00	19,275 63

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Pennsylvania Association for Blind, Pittsburgh,	10,000 00	72,234 40
Penn Asylum for Widows, etc., Philadelphia, ---	8,000 00	18,532 06
Pennsylvania Home Teaching Society and Free Circulating Library for the Blind, Philadelphia, -----	12,000 00	8,203 94
Pennsylvania Industrial Home for Blind Women, Philadelphia, -----		
Pennsylvania Industrial School, Eagleville, Montgomery Co., -----		
Pennsylvania Memorial Home, Brookville, Jefferson Co., -----	14,000 00	12,644 01
Pennsylvania Prison Society, Philadelphia, ---		
Pennsylvania Retreat for Blind Mutes, Philadelphia, -----		
Pennsylvania Seamen's Friend Society, Philadelphia, -----	4,000 00	13,728 39
Pennsylvania Society to Protect Children, etc., Philadelphia, -----		
Pennsylvania Soldiers and Sailors Home, Erie, Erie Co., -----		
Pennsylvania Working Home for Blind Men, Philadelphia, -----	35,000 00	341,366 79
Philadelphia Association for the Protection of Colored Women, Philadelphia, -----		
Philadelphia Home for Incurables, Philadelphia,	28,500 00	92,619 24
Philadelphia Home for Infants, Philadelphia, --	5,000 00	9,410 80
Philadelphia German Baptist Home, Lawndale, Philadelphia, -----		
Philadelphia Orphans Asylum, Wallingford, Delaware Co., -----		
Philadelphia German Protestant Home for the Aged, Lawndale, Philadelphia, -----		
Philadelphia Organization for Charity, Philadelphia, -----		
Philadelphia Protectory for Boys, Protectory Station, Montgomery Co., -----	24,000 00	89,113 89

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
Philadelphia Rescue Home, Philadelphia, -----		
Philadelphia Sanatorium Association, Philadelphia, -----		
Philadelphia Society for the Employment and Instruction of the Poor, Philadelphia, -----		
Pittsburgh Association for the Improvement of the Poor, Pittsburgh, Allegheny Co., -----		
Pittsburgh Home for Babies, Pittsburgh, -----	15,000 00	12,021 53
Pittsburgh Home of Shelter (Jewish), Pittsburgh, Allegheny Co., -----		
Pittsburgh and Allegheny Home for the Friendless, Allegheny, Allegheny Co., -----	18,000 00	33,643 10
Pittsburgh and Allegheny Rescue Mission, Pittsburgh, -----		
Pittsburgh Newsboys Home, Pittsburgh, -----	20,000 00	34,154 75
Pittsburgh Rescue Home for Girls, Pittsburgh, -----		
Pittsburgh Sunshine Childrens Home, Pittsburgh, -----	4,000 00	4,725 91
Pottsville Benevolent Association, Pottsville, Schuylkill Co. (new institution), -----	4,000 00	
Presbyterian Home for Widows, etc., Philadelphia, -----		
Presbyterian Orphanage, Philadelphia, -----		
Protestant Home for Boys, Pittsburgh, -----		
Protestant Home for Incurables, Pittsburgh, -----		
Protestant Orphan Asylum, Allegheny, Allegheny Co., -----		
Provident Mission and Reseue Home, Pittsburgh, Allegheny Co., -----	1,600 00	3,542 66
Quiney Orphans Home, Quincy, Franklin Co., -----		
Rebekah Home, Philadelphia, -----		
Roselia Foundling Home, Pittsburgh, -----	30,000 00	34,922 40
Rosine Association, Philadelphia, -----	4,000 00	4,317 50
Roxborough Home for Women, Philadelphia, -----		

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
St. Ann's Widows Asylum, Philadelphia, -----		
St. Catherine's Orphan Asylum, Reading, Berks Co., -----	2,000 00	6,129 01
St. Edmond's Home for Crippled Children, Philadelphia (new institution), -----	2,000 00	
St. Francis Industrial School, Eddington, Bucks Co., -----		
St. James Industrial School, Philadelphia, -----		
St. John's Lutheran Home, Allegheny, Allegheny Co., -----		
St. John's Orphan Asylum, Philadelphia, -----	20,000 00	85,043 88
St. Joseph's Asylum, Erie, Erie Co., -----		
St. Joseph's Asylum, Germantown, Philadelphia, -----		
St. Joseph's Foundling Asylum, Scranton, Lackawanna Co., -----	20,000 00	26,230 25
St. Joseph's Home for Boys, Philadelphia, -----		
St. Joseph's Orphan Asylum, Troy Hill, Allegheny Co., -----		
St. Joseph's Protectory, Norristown, Montgomery Co., -----	7,000 00	24,048 31
St. Joseph's Protectory and Industrial School, Pittsburgh, -----	8,000 00	25,811 50
St. Margaret's House, Philadelphia, -----		
St. Mark's Home for Aged Women, Philadelphia, -----		
St. Michael's Orphan Asylum, Pittsburgh, -----		
St. Patrick's Orphan Asylum, Scranton, Lackawanna Co., -----	5,000 00	19,928 27
St. Paul's Orphan Asylum, Reading, Berks Co., -----		
St. Paul's Orphan Asylum, Idlewood, Allegheny Co., -----		
St. Paul's Orphan Asylum, Butler, Butler Co., -----		
St. Regis Home for Working Girls, Pittsburgh, -----		
St. Ritas L. C. B. A. Home for Infants, Pittsburgh, -----	6,000 00	16,409 24

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
St. Vincent's Home, Philadelphia (20th and Raee Sts.), -----	15,000 00	66,296 15
St. Vincent's Home, Philadelphia (71st and Woodland Ave.), -----	16,000 00	69,056 33
St. Vincent's Orphan Asylum, Taeony, Philadelphia, -----	6,000 00	22,685 30
Salvation Army Reseue and Maternity Home, Bellevue, Allegheny Co., -----	3,000 00	6,134 13
Salvation Home and Maternity Hospital, Philadelphia, -----	2,800 00	16,278 86
Seraphie Home, New Derry, Westmoreland Co., -----		
Salvation Army Social Settlement and Day Nursery, Pittsburgh (new institution), -----	3,000 00	
Sewiekley Fresh Air Home, Sewiekley, Allegheny Co., -----		
Shelter for Colored Orphans, Philadelphia, -----		
Sheltering Arms, Philadelphia, -----		
Southern Home for Children, Philadelphia, -----		
Society of the Holy Family, New Castle, Lawrence Co., -----		
Stevens, Thaddeus, Industrial School, Lancaster, Lancaster Co., -----		
Sylvan Heights Home for Girls, Harrisburg, ----	10,000 00	7,946 23
Tabor Home for Children, Philadelphia, -----	10,000 00	9,404 47
Temporary Home Association, Philadelphia, -----		
Temporary Home for Women, Pittsburgh, -----		
Temporary Home for Children, Allegheny, Allegheny Co., -----		
Tressler's Orphan Home, Lloydsville, Perry Co., -----		
Union Benevolent Association, Philadelphia, -----		
Union Home for Old Ladies, Philadelphia, -----	5,000 00	7,996 17
Union Reseue Mission, Pittsburgh, -----		
United Charities of Hazleton, Hazleton, Luzerne Co., -----	3,000 00	7,849 40

TABLE No. 3—Continued.

HOMES.	Appropriated by general assembly for two-year period from June 1, 1919, to May 31, 1921.	Amount spent for maintenance during year ending May 31, 1918.
United Charities of Luzerne Co., Wilkes-Barre, Luzerne Co., -----		
United Evangelical Home, Lewisburg (new institution), -----	2,500 00	
United Zion Home, Lititz, Lancaster Co., -----	6,000 00	14,473 92
United Presbyterian Womens Association, Wilkinsburg, Allegheny Co., -----		
Visiting Nurse Society of Philadelphia, Philadelphia, -----		
Visiting Nurses' Association, Pittsburgh, -----		
Western Home for Poor Children, Philadelphia, -----		
Western Pennsylvania Humane Society, Pittsburgh, -----		
Western Temporary Home, Philadelphia, -----	5,500 00	7,721 15
Western Association for the employment of the Poor, Philadelphia, -----		
Westmoreland Childrens Aid Society, Greensburg, Westmoreland Co., -----	12,000 00	16,231 25
Julia White Priseilla Home, LaMott (new institution), -----	1,000 00	
Widener Memorial Home for Crippled Children, Logan, Philadelphia, -----		
Widow's Home, Allegheny, Allegheny Co., -----		
Williamson Free School of Meehanics Trades, Williamson, Delaware Co., -----		
Williamsport Training School for Girls, Williamsport, Lycoming Co., -----	8,000 00	5,443 33
Robert Wood Industrial Home, Philadelphia, --	2,000 00	2,686 98
Woods Run Industrial Home, Allegheny, Allegheny Co., -----	4,000 00	9,528 62
York Society to Proteet Children and Aged Persons, York, York Co., -----	8,000 00	7,430 30
Totals, -----	\$1,202,289 20	\$2,662,757 72

TABLE No. 4.

SEMI-STATE INSTITUTIONS.	Appropriated by general assembly for two-year two-year period from June 1, 1919, to May 31, 1921.	Receipts for year ending May 31, 1918.	Expenses for year ending May 31, 1918.
Dixmont Hospital for the Insane, Dixmont, -----	\$145,000 00	\$278,911 54	\$295,733 29
Western Penna. Institution for the Instruction of the Deaf and Dumb, Edgewood Park, -----	189,000 00	106,331 78	97,394 56
Penna. Institution for the Instruction of the Blind, Overbrook, -----	131,250 00	101,009 98	115,675 31
Western Penna. Institution for the Blind, Pittsburgh, -----	114,100 00	52,838 50	55,443 57
Penna. Training School for Feeble-Minded, Elwyn, -----	516,710 94	348,544 73	323,873 80
Penna. Institution for the Deaf and Dumb, Mt. Airy, -----	409,500 00	242,384 56	240,581 34
Glen Mills Schools, Glen Mills, -----	500,000 00	638,071 08	638,071 08
Totals, -----	\$2,005,560 94	\$1,768,092 17	\$1,766,772 95

In the above table it will be noted that the amount spent for free service is computed for hospitals and sanatoria, but not for semi-state institutions and homes. The Board of Public Charities states that the two last are conducted on a basis quite different from hospitals and sanatoria and that no attempt is made to compute the amount of free service rendered by them.

The institutions referred to as semi-state are those which care for the insane, the deaf, the dumb and the blind. When an appropriation is made to such an institution it is agreed to cover a certain number of free inmates or patients who will thus be state wards. Sanatoria are distinguished from hospitals by the fact that the former are for the isolated treatment of tuberculosis and not for general medical service.

QUESTION 2.

Hospital appropriations for the years 1917-1919 appear by Smull's Handbook to have totalled \$5,401,675, while a statement furnished to this Commission by the Board of Public Charities shows that the appropriations for 1919-1921 were \$6,277,900. To what is this large increase due?

To make the two totals exactly comparable, the same classification must be used in arriving at each. Smull's Handbook includes among

hospitals six institutions classified by the Board of Public Charities as sanatoria. The records of the Board of Public Charities show appropriations as follows:

	Appropriations by 1917 general assembly.	Appropriations by 1919 general assembly.
Hospitals,	\$5,274,500	\$6,277,900
Sanatoria,	136,000	155,200

The actual increase in appropriations to hospitals was, therefore, \$1,030,400. Of this sum \$101,000 is accounted for by appropriations to hospitals which did not receive state aid in 1917. (\$72,000 of this \$101,000 was appropriated without recommendation from the Board of Public Charities.) The balance of the increase is explained by the increased cost of hospital maintenance.

QUESTION 3.

Appropriations to homes, asylums, etc., for 1917-1919 appear by Smull's Handbook to have been \$797,000, while a statement furnished to this Commission by the Board of Public Charities shows that the appropriations for 1919-1921 were \$1,262,289. To what is this large increase due?

Smull's Handbook classifies as "educational" a number of institutions which the Board of Public Charities classifies as "homes, asylums, etc." The records of the Board of Public Charities show appropriations as follows:

	Appropriations by 1917 general assembly	Appropriations by 1919 general assembly
Homes, asylums, etc.,	\$894,520	\$1,202,289 20

The actual increase in appropriations to "homes, asylums, etc.," was, therefore, \$307,769.20. Of this sum \$9,500 is accounted for by appropriations to institutions which did not receive state aid in 1917. The balance of the increase is explained by the increased cost of maintenance.

QUESTION 4.

Upon what basis is the number of free hospital days reported by any institution computed?

A "hospital day" is one day's maintenance of one patient. Free hospital days are hospital days for which the institution receives no pay from any source whatever other than the state. To find the total number of hospital days, add together the number of days of treatment given to all patients. Then divide the total cost of maintenance by the number of hospital days, and the result will be the daily cost of maintenance for each patient.

Next, it is necessary to find how many of the hospital days have been paid for by charges made to patients, or by gifts and legacies, and how many are free hospital days, i. e., hospital days for which the institution receives no pay except from the state. To arrive at these figures, subtract from the total income the amount received from the state, leaving a remainder which represents all income received from patients, gifts and legacies. Divide this remainder by the daily cost of maintenance for each patient and the result will represent the number of hospital days paid for by patients, gifts and

legacies. Subtract this last figure from the total number of hospital days and the remainder will represent the number of "free hospital days."

In other words, the number of free hospital days shows the amount of service which will plunge the institution into a deficit unless the state helps to make up that deficit by an appropriation.

This method of computing the number of free hospital days can better be understood by a brief illustration. The X Hospital has 100 patients, each of whom receives treatment for 200 days. This gives 20,000 hospital days. The total cost of maintenance is \$40,000, and therefore the daily cost of maintenance for each patient is \$2. The hospital's total income is \$30,000, of which \$10,000 came from the state. This leaves an income of \$20,000 derived from patients, gifts and legacies. Dividing this \$20,000 by \$2, which is the daily cost of maintenance for each patient, there is obtained a result of 10,000, representing the number of hospital days paid for by patients and by contributions. Subtract this 10,000 from the total number of hospital days, or 20,000, and the remainder of 10,000 represents the number of free hospital days. In other words, if the state wishes to save the institution from a deficit it will have to appropriate enough money to pay for 10,000 free hospital days at \$2 a day.

QUESTION 5.

What control, if any, does the state exercise over the admission of patients into hospitals and their treatment without pay or with only part pay by the patient or his friends?

If a hospital does not satisfy the Board of Public Charities with respect to the admission and treatment of free patients, the board either refuses to recommend an appropriation for that institution at the next legislative session, or asks the Auditor General to withhold its next quarterly installment of appropriation. This always results in an adjustment satisfactory to the board. Beyond this, the state exercises no direct control over the admission and treatment of free patients.

QUESTION 6.

(a) In the reports of institutions as to income, in what category or column of the statistical tables would be placed payments by employers for the treatment of employes?

(b) In those instances, if any, where weekly contributions are made by the employer for medical care of employes in case of injury or sickness, in what category or column of the statistical table would these payments appear?

Such payments are accounted for as part of the hospital's receipts from patients, and are divided among such items of income as "board and treatment," "ambulances," etc.

QUESTION 7.

Where in the hospital reports to the state board are payments by employers or insurance companies under the workman's compensation law reported?

Some hospitals return these items under a separate heading as

amounts on account of workmen's compensation payments. Other hospitals return them as parts of their general totals of amounts received from patients.

MEMORANDA AND BRIEFS No. 20.

LOCAL GOVERNMENT—CONSTITUTIONAL HOME RULE PROVISIONS OF OTHER STATES.

Harrisburg, Pa., January 19, 1920.

Mr. Charles H. English,
Chairman of Special Committee on Local Government.

Dear Sir: I understand you desire a memorandum on constitutional home-rule provisions of other states.

Home-rule provisions in the several state constitutions apply only to cities, towns and villages, except in California, where they apply also to counties (art. XI, sec. 7- $\frac{1}{2}$). I have used the word "cities" in this memorandum to cover cities, towns and villages, and the word "municipalities" to cover these and counties as well. Home-rule provisions are of three kinds: (1) welfare, including matters of public safety, health and comfort; (2) finance, including matters of taxation and indebtedness; and (3) organization, including matters having to do with the framework or machinery of municipal government.

(1) WELFARE PROVISIONS.

There are three possible ways in which a constitution may deal with the home-rule problem as applied to matters of welfare; (a) It may give to the legislature entire control, with the right to delegate some of its powers to the municipalities; (b) it may give to the municipalities control unless and until the legislature acts; or (c) it may vest the entire control exclusively in the municipalities.

(a) In states such as Pennsylvania which have no constitutional home-rule provisions the legislatures delegate to the municipalities certain powers of control in welfare matters, reserving always the right to withdraw these powers at will.

(b) In most of the states which have constitutional home-rule provisions, there is no express reference to welfare matters. These are probably included in the power to "frame a charter," and can be exercised unless and until they are superseded by an act of the legislature.

(c) In Colorado the constitution gives to each city "full right of self-government in both local and municipal matters" and expressly provides that municipal charters and ordinances shall supersede acts of the legislature as to "municipal and local matters."

The Colorado system invites continual dispute and litigation as to what is or is not a local and municipal matter. Such matters as the regulation of traffic, the laying out of parks and the construction of streets and sewers are universally regarded as local matters. On

the other hand, the prevention of contagious diseases and the administration of justice are matters of general or state concern. Between these two lies a debatable field of large extent. For example, limitations with respect to the wages and hours of work of industrial employes may be regarded as matters of local concern; but if the effect of such regulations upon the welfare of the whole body of citizens be considered, the matter may be regarded as one of general or state concern.

If an express constitutional provision be desired granting to municipalities the power of control in welfare matters, the more usual and moderate provision is less apt to cause confusion. For example, article 18, section 3, of the constitution of Ohio provides that cities "shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with general laws."

(2) FINANCE PROVISIONS.

As in matters of welfare, so in those of finance there are three ways in which a constitution may deal with the home-rule problem: (a) By giving to the legislature control with power of delegation; (b) by giving to the municipalities control subject to the superior power of the legislature; and (c) by vesting exclusive control in the municipalities.

(a) The legislatures of the several states commonly allow to municipalities a certain latitude in selecting the subjects and purposes of taxation, in fixing the rates of taxation, and in fixing the amounts and purposes of municipal indebtedness. The constitutional provisions in these matters are usually limitations and not home-rule provisions. That is, they restrict the municipalities to certain kinds and rates of taxation and to loans in certain amounts and for certain purposes; but they do not free the municipalities from legislative control in these matters. This is the situation in Pennsylvania.

(b) The intimate relation between state and municipal finances suggests a danger in allowing too much freedom in this matter to local governments. The result might be the great confusion of the tax-paying public and an unfair distribution of the burden of taxation. Accordingly, most of the states with constitutional home-rule provisions simply permit municipalities to frame their own charters, subject to the paramount provisions of general state laws. If, therefore, the power to "frame a charter" includes the power of control in financial matters, it follows that municipalities can decide these matters for themselves, but that the legislature can always step in with a general law and change a local policy of taxation or of borrowing which is obnoxious to the general policy of the state.

(c) The Colorado constitution gives to cities the exclusive power to legislate with respect to the municipal debt and municipal taxation. In the matter of financial home-rule this goes further than other states. But even in Colorado the taxing and borrowing powers of all municipalities are expressly limited by the constitution itself.

(3) ORGANIZATION.

There are three ways in which a constitution may deal with the home-rule problem in matters of organization: (a) It may leave

entire control to the legislature, with or without the right to delegate any of its powers to the municipalities; (b) it may vest control in the municipalities subject to the superior power of the legislative; and (c) it may vest control exclusively in the municipalities.

(a) In most states the legislatures are given a free hand in the creation of the framework of municipal government, especially for cities. Within certain very broad limits they are able to prescribe any form of local government which may commend itself to them, whether it calls for a mayor and councils, for a commission, for a city manager, or for any other system. For example, in Pennsylvania the general assembly may change the charters of cities at will so long as special legislation is avoided. All cities of the third class were once governed by a mayor and a bicameral council; by the act of 1911 there were substituted a mayor and four councilman. The recent change in the charter of Philadelphia is another illustration of the power of the general assembly in this respect.

(b) Where the constitution gives to municipalities the right to frame their own charters subject only to the controlling power of the legislature, provisions are inserted to cover the manner in which the framing of the charter and its submission to the people shall be effected. In some states there are also provisions restricting the choice as to form. For instance, in Missouri a mayor and a bicameral council are required by the constitution.

(c) It is unusual to allow cities to frame their own charters without control by the legislature. This is provided for by the constitution of Colorado (art. XX, sec. 6). Each city and town with a population of 2,000 is given the power to frame its own charter and such a charter supersedes "any law of the state in conflict therewith."

In Chicago the matter of home-rule is now receiving special attention on account of the present Illinois constitutional convention. A special committee of the city council assisted by Professor Ernest Freund, of the University of Chicago, has recently submitted a most valuable preliminary report on the subject. A copy of this report is on file in the Secretary's office. I have made liberal use of it in preparing this memorandum.

The exact constitutional provisions dealing with home-rule may be found in the Index Digest of State Constitutions under the title "Municipal Home Rule," pages 1007 to 1030, and in "The State Constitutions" by Kettleborough, both of which are on file in the Secretary's office.

Very truly yours,

WM. DRAPER LEWIS,

Secretary.

MEMORANDA AND BRIEFS No. 21.

LOCAL GOVERNMENT—DISCUSSION OF CONSTITUTIONAL PROVISIONS AFFECTING MUNICIPALITIES—"HOME RULE."

Harrisburg, Pa., January 20, 1920.

Mr. Charles H. English.

Chairman of Special Committee on Local Government.

Dear Sir: I understand your committee desires a brief on constitutional provisions respecting municipalities, with special reference to the way in which such provisions may secure to the people of a locality the right of "home rule."

The subject of the inquiry of your committee may be discussed under the following heads:

- A. Power to create municipalities.
- B. Power to select municipal officers.
- C. Power to control qualifications, salaries and duties of municipal officers.
- D. Power to determine the organization of municipalities.
- E. Power to determine the extent of municipal powers.

I shall discuss the subject in the order indicated by this division.

(A) POWER TO CREATE MUNICIPALITIES.

In article III, section 7, the general assembly is prohibited from erecting new counties, townships or boroughs, or from changing their lines by any local or special law. Article XIII, section 1, prevents the establishment of a new county or the reduction of an existing county to less than four hundred square miles or twenty thousand inhabitants; or dividing an existing county so that the new county line will pass within ten miles of the county seat of the county to be divided.

Article XV, section 1, provides that any town or borough having a population of at least ten thousand may receive a charter as a city whenever a majority of its electors shall vote at any general election in favor of the same. As has been suggested in Brief No. 18, this provision probably does not prevent the general assembly from permitting boroughs and townships having a less population to become cities. I do not know of any case deciding whether this section prevents the general assembly from forcing on the people of a locality a city charter without the consent of a majority of the electors.

In Brief No. 18 I have pointed out that the right of the general assembly to create other forms of municipalities is an unsettled and doubtful question. It is probable but not absolutely certain that the legislature can create a city covering all or a part of several counties. It is certain that the districts surrounding Philadelphia cannot become a part of the city without legislative action; but it is not certain

whether or not they can be included in a greater Philadelphia without the consent of a majority of the electors. It is uncertain whether the general assembly, with or without the consent of the inhabitants, can create a new kind of incorporated district covering all or part of the territory of one or more counties, townships, boroughs and cities.

It is clear that the Constitution shall leave no room for doubt upon questions of such fundamental importance as these. To do this it is necessary to come to conclusions on questions of fundamental policy.

It may serve to make clear the nature and importance of these questions if I here incorporate a series of possible sections which would embody the express provisions of our present Constitution and at the same time give definite answers to those fundamental questions above indicated which the present Constitution leaves in doubt.

Section a.

The municipalities of this commonwealth are counties, townships, cities, boroughs, school districts and such other incorporated districts as the general assembly shall by law create.

Section b.

The general assembly may provide, but only by general law, for the creation, division and change of boundaries of any class of municipalities.

Section c.

No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area or containing a less population, nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Section d.

No city or borough shall be created, nor shall the boundaries thereof be changed, except by the consent of a majority of such electors resident within the proposed boundaries as shall vote on the proposed change at an election which shall be held as may be provided by law; nor shall any change in boundaries be made which shall place outside the existing limits of a city or borough or any part thereof without the consent of a majority of such electors resident within the proposed excluded area as shall vote thereon in like manner.

Section e.

The general assembly may provide, but only by general law, for the creation of classes of incorporated districts wholly or partly within the boundaries of one or more municipalities, and may vest in such incorporated districts one or more of the powers already exercised by the municipalities within their respective boundaries or additional powers, and may make any power so vested an exclusive power of the incorporated district or a power concurrent with the municipalities wholly or partly within their respective boundaries; provided, that no such incorporated district shall be created or its boundaries extended or its powers increased, except by the consent of a majority of such electors resident within the territory of all

existing municipalities in whole or in part included in the proposed boundaries of the incorporated district as shall vote on the question at an election which shall be held as may be provided by law.

The last section suggested would permit the creation of an incorporated district for the development and care of a park system existing or to be created, embracing the territory now included in Philadelphia and a whole or a part of the surrounding country, which incorporated district would have concurrent or exclusive jurisdiction over parks, provided a majority of the electors resident within all the municipalities affected were favorable to its creation. It would also permit the creation under certain conditions of an incorporated district to conserve and develop the water power of a river or other natural resource.

(B) POWER TO SELECT MUNICIPAL OFFICERS.

Article XIV, section 2, provides that "county officers shall be elected at the municipal elections." This section insures to the people of a county the right to select those officers of county government provided for in the Constitution by article XIV, section 1. The general assembly can establish county officers other than those expressly provided for in section 1 of article XIV. If county officers not expressly provided for in the Constitution are created, the general assembly cannot provide that they shall be selected in any other way than at a municipal election.

The provisions of article XIV, section 1, are the only provisions in the Constitution which protect the right of the people of a locality to select officers of local government. Under the present Constitution the legislature may provide for the appointment by the Governor of all the officers of townships, boroughs or cities. If it is desired to secure to the people of a locality the right to select the officers of all local governments, it could be done by some such provision as the following:

The officers of all municipalities shall be elected at a municipal election or appointed by an officer or agency of the municipality as may be provided by law.

Such a section would properly be part of a new article dealing with all local governments under some such title as "municipalities."

(C) POWER TO DETERMINE QUALIFICATIONS, SALARIES AND DUTIES OF MUNICIPAL OFFICERS.

The present Constitution, in article XIV, limits the power of the general assembly as well as the county by providing: That a person appointed to a county office shall have been a citizen and an inhabitant of a county for at least one year (section 3); that prothonotaries, clerks of courts, recorders of deeds, registers of wills, county surveyors and sheriffs shall keep their offices in the county town (section 4); that the compensation of county officers shall be paid by salaries only (section 5 as already modified by the Commission); and finally, that the general assembly shall provide for the strict accountability of all county, township and borough officers for all moneys collected by them.

It may with some force be contended that there is no apparent reason why any recrudescence of the fee system, as applied to officers in municipalities other than counties, should not be prevented by extending the prohibition in section 5 to all municipal officers. In the same manner there may be force in the suggestion that section 6 should provide that all municipal officers, and not only county, township and borough officers, should be strictly accountable for all moneys collected by them. But it can hardly be contended that any of the sections to which I have just referred trespass on any fundamental home-rule principle.

The fundamental question, however, is whether the Constitution should vest in the general assembly, as our present Constitution does, the right (subject to the constitutional requirements just quoted) to determine the qualifications, salaries and duties of all municipal officers, or whether the people of the locality should have a constitutional right to a concurrent or sole voice in the determination of such questions. It seems clear that the general assembly should have the right to impose on all or a least on some municipal officers, as on county officers, state duties, such as the collection of state taxes. On the other hand, whether the general assembly should or should not have the power to dictate the local duties of municipal officers is a matter which I shall refer to under the next head, which deals with the organization of municipalities.

(D) POWER TO DETERMINE THE ORGANIZATION OF MUNICIPALITIES.

The present Constitution vests in the general assembly the exclusive power to determine the organization of local governments, except that article XIV, section 1, provides for certain county officers, and the names of these designated county officers indicate in a general way their duties. If it is desired to follow the example of several of the other states (see Brief No. 20, Constitutional Home Rule Provisions of Other States), there are at least three different ways by which the desired end may be reached:

1. By providing that any change in the organization of a municipality made by the general assembly shall not become operative until the change is accepted by the electors resident in the territory affected.

2. By providing that a change may (or may only) be made in the organization of a municipality by a local ordinance with a provision (if desired) requiring such ordinance to be ratified by the electors.

3. By providing that a change may (or may only) be made in the organization of a municipality in the initiation by petition of a designated fraction of the electors ratified at a municipal election.

It will be noticed that these three possible methods of securing "home rule" to localities are not mutually exclusive. For instance, all three methods could be combined in a section worded as follows:

Changes in the organization of a municipality shall be made only by

- (a) An act of the general assembly ratified by a majority of the electors of the municipality voting thereon at a municipal or special election designated in the act; or

- (b) An ordinance of the municipality ratified by a majority of the electors of the municipality voting hereon at a municipal election; or
- (c) By a petition setting forth the proposed change signed by ten per centum of the electors of the municipality presented to the ordinance-making body of the municipality and ratified by a majority of the electors voting thereon at a municipal election.

The section as drafted would apply to all municipalities. For instance, if inserted in the present Constitution it would apply to counties and townships as well as to cities and boroughs. It is, of course, a debatable question whether this result is desirable. All three methods could be easily applied to cities and perhaps to boroughs, but the methods indicated under clauses (b) and (c) might be regarded as ill-suited to counties or townships.

(E) POWER TO DETERMINE THE EXTENT OF MUNICIPAL POWERS.

The powers of municipalities may be classified under welfare powers and financial powers.

1. WELFARE POWERS.

Under the present Constitution there is no limitation on the power of the general assembly to vest or take away any such power from any municipality, except that the legislation must not be local or special legislation, as those terms are interpreted by the supreme court. Whether the general assembly has power to vest in all cities or in all municipalities the power to enact legislation relating to wills, or contracts, or other matters of civil law may be an interesting academic question. But it is not one likely to arise, as matters affecting the civil rights and obligations of persons and property are universally admitted to be improper subjects of local regulation.

I find that the demand for "home rule" often takes the form of a demand that the Constitution should vest power over matters of local concern in the municipalities. This demand assumes that it is possible to draw a line separating matters of local from matters of general or state-wide interest. The assumption is, I believe, erroneous. There are, indeed, subjects which may at any one time be regarded as in their main features purely local, but even in these cases a power of control vested by constitutional mandate might vest in the municipality control over a matter of general interest. Thus the operation of intra-urban utilities, as gas and electric works, would be generally conceded to be local. But as Mr. Ernest Freund, in his interesting and instructive report to the Illinois constitutional convention on "Propositions Affecting the City of Chicago," asks, what about "the terms and duration of franchises, the hours of labor for employes, segregation of rates, etc.?" The result of what consideration I have been able to give to the matter is, therefore, that it is not practical to vest exclusively, either in general terms or in terms referring to specific subjects, welfare powers in counties, townships, boroughs, cities or other municipalities.

At present the presumption of law is that a city or other municipality has only those powers which are granted to it expressly by

statute or by necessary implication. (Lesley vs. Kite, 192 Pa. 268, 274.) It is possible that it may be desirable to change this presumption by some such provision as the following:

Subject to the provisions of the Constitution and of general law, all municipalities shall have powers of local government and corporate action adequate for all municipal purposes, and no such power shall be presumed to be denied by reason of not being specified in any existing law.

It may be that the reasons which would prompt the adoption of such a provision as applied to cities or to cities and boroughs would not be regarded as applying to counties and townships.

POSSIBLE LIMITATIONS OF POWERS OF STATE COMMISSIONS.

There is one direction in which it may be practical to protect at least cities of some considerable size from state interference by vesting in such cities a definite power. Under our present Constitution the state may enact a general law, entrust its administration to a commission, and give that commission power to make orders of limited application. The Public Service Commission is an illustration of this. Under existing law it is its duty to regulate the rates and services of all public utilities in the state. Its orders are orders to designated public service companies, and are therefore often limited in their application to services performed in a definite municipality. Furthermore, under existing law all contracts between a municipality and a public service company are subject to the commission's approval or disapproval. The question whether municipalities or some of them should or should not have constitutional protection from all or some state administrative orders of a local character, is one of the fundamental questions of far-reaching practical importance which must be determined in any constitutional revision.

If it is desired to limit the present unlimited power of the general assembly to create commissions which, in administering general laws, make orders of limited and local application, it may be done in one of several ways, depending on the degrees of the constitutional limitation desired. Of course, it is theoretically possible to insert a sweeping provision to the effect that the general assembly shall not vest in any administrative agency the right to make orders limited in application to one locality or to one municipality. But such a provision would prevent any effective regulation of any public utility, for even those public service companies engaged in supplying services affecting all parts of the state, such as our railroads, must, to be effectively regulated, be subjected to orders of limited and local application made by a commission of state-wide jurisdiction.

What may be regarded as a debatable constitutional provision would be one which provided that:

Every municipality shall have exclusive power, either by the exercise of its legislative authority or by contract, to regulate the rate to be charged and the service to be rendered by public utilities when such service is given within the territory of such municipality and does not consist of the transportation of a person or his property between a point within and a point without the municipality.

As the demand for "home rule" comes from the cities of the commonwealth, at least so far as that demand is voiced by an objection to the existing powers of the Public Service Commission, it is probable that the form in which the foregoing provision would present a debatable issue, would be one which would limit its application to "all cities" or to "all cities of over 50,000 population as ascertained by the most recent Federal or state census."

The argument in favor of the provision thus modified is that it insures to the people living in a city control over a matter of purely local concern, which is vital, because those who dwell in cities are dependent on the service of public utilities for many of the necessities of urban life. The argument against the limitation is that it subjects a public service company operating public service facilities in different places to a dual or to a many-headed system of regulation which would be difficult to work in practice, and that the inevitable variations between the regulations of different cities and of the state commission would tend to impair the stability of all companies engaged in public service in the state, and consequently their ability to obtain sufficient capital to perform efficient service to the public.

Should the weight of the argument against the above provision appear sufficiently strong to prevent the principle embodied in this method of dealing with the subject being incorporated as a constitutional protection to our cities, there is one far less wide provision which is debatable. Our cities are more and more in need of facilities which are beyond the ability of private capital to furnish, and which the cities are, therefore, obliged to build out of their own funds. Many take the position that when a city, as the city of Philadelphia, expends many millions in creating a public service facility, such as a complete system of high-speed city transit lines, the operation of that facility, whether by the city itself or under a contract with an operating company, should not be subject to regulation as to service or rates by a state commission. If it is desired to embody this demand in the Constitution, some such provision as the following would serve the purpose:

A municipality shall have exclusive power to regulate the rates to be charged and the services to be rendered, through the operation of any public service facility built or purchased by it, so long as the title to such facility is retained by the municipality.

It will be noted that the wording of the above provision retains in the general assembly the power which it has exercised in the public service act to prevent a municipality from creating a public service facility until it has obtained from the commission a certificate of public convenience. If it is desired to give to municipalities the constitutional right to build public service facilities free from state interference, this right should be secured in another section.

2. FINANCIAL POWERS.

Financial powers may be classed under two heads: (a) The taxing power, and (b) the borrowing power.

(a) *The taxing power.*

Under the present Constitution the general assembly is in the sole judge of the extent of the taxing power which shall be vested in a

local government. In exercising a power of taxation vested in it by statute, a municipality is subject to limitations as to uniformity imposed on all exercise of the taxing power in the commonwealth, by section 1 of article IV; namely, that "All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws," etc.

It is, of course, conceivable that a Constitution might vest in one or more or all classes of municipalities the right or the exclusive right to levy and collect taxes on certain classes of subjects. It would seem fundamentally unsound to vest in a municipality the constitutional power to determine for itself the subjects of taxation. Revenue producing capacity being limited, there must be co-ordination between local and state taxes, and this co-ordination can only be brought about by vesting the sole determination of the matter in the state government, or by separating the subjects of state and local taxation, respectively, in the Constitution. To do the latter, however, would tend to fix on the people a definite system of taxation, and would limit the power of the state in matters vital to its very being, which might prove disastrous in times of national peril.

Again the Constitution might secure to all municipalities, or municipalities of a definite class, the right to fix a rate of taxation equal to a definite fraction of the assessed value of the taxable property, but such a provision would again hamper the state in this vital matter. Such a provision might, however, tend to limit the power of municipalities, because while under the present Constitution the general assembly has the power to limit the rate of taxation imposed by a municipality, it has, in practice, left the rate to be determined by local ordinance, and there is no present reason to believe that it will not continue to do so. My general conclusion is, therefore, that any constitutional protection of the municipal taxing power is not a question for serious debate.

ASSESSMENTS FOR BENEFITS.

There is, however, in connection with municipal taxing power, one subject that is debatable.

Under the present Constitution the general assembly can give to a city the power to assess the benefit of a street or sewer against the abutting owners only. (Morwood Ave. 159 Pa. 20.) I doubt very much whether a city could be given the right to assess any benefits for the construction of such an improvement as a trolley line. This is a serious handicap on cities in the development of necessary public improvements.

In Philadelphia the building and operation of the proposed high-speed urban transportation lines will add many millions to the value of suburban real estate. I append hereto, marked "Exhibit A," a letter received from the present director of city transit, Mr. William S. Twining, in which he expresses it as his opinion that the money to build these needed facilities cannot be obtained unless part of it be obtained by assessing benefits against all property which will be specially benefited by the proposed lines.

I understand that the best thought and the most successful practice in the matter of assessment of benefits for public improvements is to make the assessment payable over several years rather than at

one time. If it is desired to give to all municipalities the right to assess benefits for improvements made by municipal authorities, some such provision as the following would serve the purpose:

All municipalities (or all of a designated class or classes of municipalities as desired) shall have the power by ordinance to assess the cost of a municipal improvement against property specially benefited thereby, irrespective of the relative locations of the said improvement and property; provided, that such assessment, whether made payable in one or several installments, shall not exceed the increase in salable value due to such improvement. The method of ascertaining such assessment may be regulated by general law.

(b) *The borrowing power.*

The borrowing power of municipalities is dealt with in the present Constitution in article IX, sections 8, 10 and 15. These sections impose limitations on the amount of indebtedness and on the method of exercising the power, and prescribe provisions for repayment.

LIMITATIONS ON THE AMOUNT OF INDEBTEDNESS THAT MAY BE INCURRED.

As originally promulgated, the debt of each municipality was limited to seven per centum upon the assessed value of its taxable property. At present this limit is ten per centum. (Sections 8 and 15 of article IX.) In ascertaining the amount of existing indebtedness for the purpose of calculating the borrowing power at any time, it is permissible to disregard under certain conditions any indebtedness incurred in the past for public improvements which are yielding an annual current net revenue. The conditions under which such indebtedness can be disregarded in the calculation are not the same for the city of Philadelphia as for other municipalities.

In municipalities other than Philadelphia, in order to disregard a prior indebtedness in calculating the "existing indebtedness" the prior indebtedness must have been incurred "for the construction or acquisition of water-works, subways, underground railways or street railways, or the appurtenances thereof;" while in Philadelphia the prior indebtedness may have been incurred for "any public improvement."

Again, in municipalities other than Philadelphia, such indebtedness must have been incurred for the acquisition of properties which for a period of five years, either before or after their acquisition, have been yielding a net revenue sufficient to pay the interest and sinking fund charges on such indebtedness; while in Philadelphia the improvement for which such indebtedness is incurred must have been yielding an annual current net revenue to the city for the year immediately preceding the time the calculation is made.

Furthermore, in any municipality, except Philadelphia, no portion of the indebtedness incurred for the acquisition of the properties can be deducted from the present indebtedness of the municipality for the purpose of calculating the existing borrowing capacity unless the annual net revenue has been sufficient to pay all the interest and sinking fund charges on the indebtedness incurred for the improvement; while in Philadelphia, if the operation of the improvement has during the preceding year yielded to the city any current

net revenue, there may be deducted from the total indebtedness of the city, for the purpose of calculating its borrowing capacity, a capital sum ascertained by determining the amount which will yield at the average rate of interest and sinking fund charges payable by the city, the annual current net revenue which the city is receiving from the operation of the improvement.

Lastly, in all other municipalities except Philadelphia, if an obligation has been issued to pay for the acquisition of water-works or for the transit facilities above described, the obligation can be deducted from the indebtedness of the municipality, if it is secured by liens on the properties acquired and imposes no municipal liability whatever.

These confused and curious differences between the methods of calculating the borrowing capacity of Philadelphia, and of other municipalities, when part of the indebtedness already incurred is invested in improvements yielding a net revenue, are due to the accidents and varying necessities of Philadelphia and of other municipalities when they have proposed and secured the various amendments adopted during the last eight years. Whatever opinions may be entertained on the wisdom of the limitations in the present Constitution on the borrowing power of municipalities, the following propositions would appear to be above serious dispute:

First. There is no reason why another municipality has, but Philadelphia has not, the right when it borrows money to acquire a street railway, to do so without intrenching on its borrowing capacity, for other purposes, provided that for five years the annual net revenue of the street railway is an amount equal to or greater than the interest and sinking fund charges on the amount borrowed to make the purchase.

Second. There is no reason why Philadelphia has the right to deduct from its indebtedness, in calculating its borrowing capacity, a debt incurred to build a public improvement, if after a year of operation such improvement yields a current net revenue; while Pittsburgh and other municipalities have to wait until the improvement has been operated for a period of five consecutive years and has yielded a current net revenue equal to the interest and sinking fund charges on the indebtedness incurred in creating it.

Third. There is no reason why Philadelphia should have the right to deduct, in calculating its existing indebtedness, a net revenue derived from any public improvement, while other municipalities cannot make such deductions unless the improvements from which the net revenue is derived are water-works or surface or underground railways.

Fourth. There is no reason why another municipality should have, and Philadelphia should not have, the right to incur indebtedness for certain public improvements, if secured by liens upon the respective properties and imposing no municipal liability, without affecting its borrowing capacity for other purposes.

METHODS OF EXERCISING THE POWER TO INCUR INDEBTEDNESS.

If there is sufficient borrowing capacity under the limitations of the Constitution, any municipality may by ordinance increase its

indebtedness at any one time to an amount not over two per cent of the assessed value of its taxable property; but if the increase is more than two per cent the question of the increase must be submitted to the electors for their approval. An affirmative majority of those voting on the question is all that is required unless the existing indebtedness at the time is more than seven per cent of the assessed value of the taxable property; in that case, in all municipalities except Philadelphia, the approval of three-fifths of the electors voting at the public elections must be secured. Again, the reason for this difference between Philadelphia and other municipalities, at least those of considerable size, is not apparent.

SINKING FUND PROVISIONS.

In the present Constitution as originally adopted, all municipalities incurring any indebtedness were obliged to provide for the collection of a tax sufficient to pay the interest and also the principal within thirty years. This thirty-year limit still applies to all municipalities except Philadelphia. In the amendment of 1918 Philadelphia was given the right to issue obligations maturing not later than fifty years from the date of issue.

ISSUING OBLIGATIONS FOR THE PURPOSE OF PAYING INTEREST ON INDEBTEDNESS.

Where municipal obligations are issued for the purpose of providing funds to pay for water-works, subways, underground railways or street railways, and in Philadelphia for any other public works from which income or revenue is to be derived by the city, or for the reclamation of land, or the construction of wharves or docks, though no revenue is to be derived therefrom, the obligations may be issued in an amount sufficient to pay the interest and sinking fund charges accruing, and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of the work. The wisdom of this policy is, of course, a debatable question, but there is again no apparent justification for the difference between Philadelphia and other cities, and perhaps no good reason for the difference between Philadelphia and other municipalities not cities.

The most ardent advocate of "home rule" for municipalities can hardly contend that the Constitution should vest in municipalities an unlimited borrowing power. Money borrowed must be repaid or the good name, not only of the municipality, but of the entire state, and the confidence which investors have in other municipal and even in state securities is seriously affected. A public body to repay money borrowed must levy taxes, and every municipal tax affects the ability of the state to secure money by taxation for state purposes. The debatable question, therefore, is not whether there should be in the state Constitution limitations on the taxing power of municipalities, but the extent of the limitations and whether the general assembly shall have the right to still further limit the power.

If it is desired to preserve the essential features of existing limitations on the borrowing power of municipalities and at the same time to do away with accidental anomalies, the result of haphazard amendments adopted to meet pressing local situations, the purpose can be carried out by substituting for sections 8, 10 and 15 of article IX some such sections as the following:

A municipality shall have the power to incur indebtedness to an amount not exceeding ten per centum upon the assessed value of the taxable property therein, but the general assembly may by a law applicable to all municipalities of the same class reduce or otherwise further limit such power.

A municipal ordinance incurring a new debt to an amount in excess of two per centum upon the assessed value of the taxable property within the municipality shall be submitted to the electors at a public election in such manner as shall be provided by law, and shall become valid when approved by a majority of the electors voting thereon. An ordinance of a county, township or borough having a debt in excess of seven per centum upon the taxable property therein, incurring a new debt, shall become valid when approved in like manner by three-fifths of the electors voting thereon.

In calculating the indebtedness of a municipality for the purpose of ascertaining its borrowing capacity, there shall be deducted from the indebtedness and disregarded in the calculation:

(a) The amount of any indebtedness incurred for public improvements secured by liens on the properties acquired and imposing no municipal obligation whatever.

(b) Any debt incurred to acquire public improvements, provided the net income derived from the property acquired for the period of five years immediately preceding its acquisition, shall have been sufficient to have paid the interest and sinking fund charges for five years on such indebtedness.

(c) An amount equal to that capital sum which will yield at the current rate of interest and sinking fund charges an annual revenue equal to the net revenue received by the municipality from any public improvement during the last preceding fiscal year, provided the debt incurred for the acquisition of the property has not been deducted under the provisions of clause (b) hereof.

A municipality shall not incur any indebtedness to run for more than fifty years and shall at or before the time of incurring such indebtedness provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof at maturity and shall create a sinking fund which shall be inviolably pledged for the payment thereof.

No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipality.

LOANS OF CREDIT BY MUNICIPALITIES.

Closely linked with the subject of the borrowing power is the object dealt with in article IX, section 7. This article provides that: "The general assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual."

The soundness of the general principle underlying this section is beyond question, but the supreme court of Ohio passing on a section

of the constitution of that state of almost identical wording has recently held that it is a loan of municipal credit for a city to lease a transit facility built by it, where the terms of the lease provide that the rent shall be a share in the surplus due to the operation of the leased facility and other facilities belonging to the operating company after a dividend has been paid to the stockholders of that company.

The language of the decision goes so far as to apparently hold that the section forbids the lease of a facility built by a city on any other terms than a fixed rental and perhaps a rental equal to the interest and sinking fund charges on the debt incurred to create it. Now the main reason for a city building such facilities as transit facilities is that the people demand facilities which it is not practical to operate so as to yield a net revenue equal to the interest and sinking fund charges on the indebtedness incurred to build them. Indeed, it may often not be possible to operate the facility so as to produce any net revenue. Without discussing the soundness of the construction put upon the section by the supreme court of Ohio, it is essential to a solution of the transit problem in Philadelphia and perhaps in other large cities of the commonwealth that the possibility of such a decision be guarded against. This could be accomplished and the fundamental principle in section 7 extended to all municipalities by substituting for the section as now worded the following:

The general assembly shall not authorize any municipality to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual; but nothing in this section shall prevent the lease or sale by the municipality of a public facility belonging to it on fair and reasonable terms.

I attach hereto the letter of Director Twining above referred to.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

Dr. William Draper Lewis, Secretary,
Constitutional Revision Committee,
Harrisburg, Penna.

My dear Dr. Lewis:

As you are of course aware, one of the principal problems in connection with the development of Philadelphia is that of rapid transit, and four years' further study of that problem has convinced me that the recommendation I made in 1916 contains the only principle upon which the city can secure its rapid transit system on a satisfactory financial basis.

Rapid transit lines are primarily for the purpose of developing the outlying and suburban sections of large cities and the establishment of the principle of assessing the property benefited for at least a portion of its cost seems to be absolutely necessary in order to keep the fares reasonable and to control unwarranted building of lines. Lines should only be built on a petition representing two-thirds of the property to be assessed. The principle of district assessment for

local benefits has been recognized by the state to a very limited degree, but it would seem to me that the new Constitution, upon which you are at work, should make a clear and distinct provision that the cost of transit facilities to be owned by the city should preferably be assessed against the entire property benefited by their construction. A rapid transit will not serve direct an area much exceeding a mile in width, but should the city supplement this line with surface feeder lines, the entire district can be made tributary and subject to assessment in some degree. Of course, the assessment should be more or less proportional to the directness of the benefit, which is equivalent to saying that it should be more or less proportioned to the accessibility of the service to the property.

There can be no question that the only way possible to permanently maintain a five-cent fare is by eliminating in this way all or a greater part of the capital charges on these lines. That the five-cent fare is of great value is recognized by the real estate board of Philadelphia, which, in one of its publications, has recently published an axiom to the effect that:

"A building lot situated within the five-cent fare zone is intrinsically worth a thousand dollars more than the same size lot in a ten-cent zone."

At the present time, when there is a strong tendency to encroach upon the five-cent zone and reduce its size, the suburbs can only be developed by penalizing suburban residents both in money and time; that is, they will be required to pay both a higher fare and to give up more time for the journey. Time can be reduced by means of rapid transit railways, and the five-cent zone can be extended very greatly in area by building these lines out of direct assessments on the property benefited.

If the statement made by the real estate board be true, it is readily seen that the valuation of one thousand dollars per lot will of itself offset the cost of an elevated line, as the cost of these lines in a suburban district should not exceed two hundred dollars per running foot. Therefore, it is readily seen that this cost represents but a small percentage of the advantages gained by the real estate owners in providing their properties with proper transit service.

As you are aware, the city solicitor ruled under date of March 30, 1916, as follows:

"No act of the legislature, having in view the assessment in any other manner of all or a part of their cost upon individual property owners, would be sustained as constitutional. It follows that the only method in which this could be done would be by the slow process of constitutional amendment."

It is in the face of this opinion that I strongly urge that provision be made in the Constitution for constitutional authority to carry out the principle and method of transit development embodied in the following proposed act:

In all cases where an administrative board is authorized to determine that an improvement is to be made, the said board shall also determine what proportion of the cost and expense of the said improvement shall be assessed upon the property which shall be deemed to be benefited thereby and what proportion of the cost and expenses thereof shall be borne and paid by the city.

The said board may also determine in each case how much of the cost and expense on an improvement shall be assessed upon a restricted area of peculiar benefit and how much, if any, shall be assessed upon a larger area of indirect benefit. The said board may also determine whether the entire assessment shall become due upon confirmation of the same, or whether it be paid in annual installments, and it shall also determine the number of such annual installments in which such assessments may be paid and the rate of interest which shall be charged upon all such installments from the date of the confirmation of the assessment until each installment shall be paid; provided, however, that the number of installments shall not exceed and the rate of interest to be charged upon the same shall be not less than nor more than per cent per annum.

The word "improvement" as used in this section (or act) shall be deemed to include the acquisition of title in fee or easement to any land required for streets, parks, bridges, tunnels, waterways, drains, sewers or buildings required for any public purpose, or the construction of streets, parks, bridges, tunnels, waterways, drains, sewers or buildings, or any other improvement, the carrying out of which in whole or in part will increase the value of the property in the immediate vicinity of such improvement or within a district including the same, or will promote public utility, comfort, health or adornment for the entire city or part thereof.

I have not examined the Constitution to see what articles of the Constitution should be amended in order to provide for such an act, and I trust your committee will find a way to incorporate this provision, as I regard it as vital to the development of the city's transit plans.

Very truly yours,
WM. S. TWINING.

MEMORANDA AND BRIEFS No. 22.

EXECUTIVE—PRESENT ORGANIZATION AND CHANGES IN THE INTEREST OF EFFICIENCY.

Harrisburg, Pa., January 27, 1920.

Hon. George E. Alter,
Chairman of the Committee of Chairmen of Standing Committees.

Dear Sir: I understand your committee desires a brief on the present organization of the executive branch of the state government, the fundamental principles of efficient executive organization, and suggested constitutional changes to carry out these principles.

I shall discuss the subject-matter of your inquiry under the following heads:

I. Present organization of the executive branch of the state government.

II. Generally admitted principles underlying efficient organization of the executive branch of the state government.

III. How far our present constitution prevents the general assembly from reorganizing the state government in accordance with the five above-stated fundamental principles.

IV. Constitutional changes necessary to require the general assembly to adhere to the above-stated principles.

V. The imposition on a department of specified duties by constitution or statute.

I. PRESENT ORGANIZATION OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT.

The Constitution specifies eight executive officers. All others are created by statute. It will be best to consider separately the powers and duties of the Governor, the powers and duties of the other constitutional officers, and lastly the powers and duties of statutory officers.

1. THE GOVERNOR.

(A) *Appointment and Removal.* The Governor is elected and can be removed only by impeachment.

(B) *Powers and Duties.*

(1) Article IV of the Constitution imposes certain duties upon the the Governor as follows:

(a) To see to the faithful execution of the law. Section 2.

(b) To command the commonwealth's armed forces. Section 7.

(c) To give information and recommendations to the general assembly. Section 11.

(d) To approve and veto bills. Section 15.

(e) To nominate and appoint the Secretary of the Commonwealth, Attorney General and Superintendent of Public Instruction. Section 8.

(f) To nominate to the Senate persons to fill vacancies in the office of Auditor General, State Treasurer, Secretary of Internal Affairs, Superintendent of Public Instruction, judge, or any other elective office which he may be authorized to fill, if the vacancy occurs while the Senate is in session. Section 8.

(g) To appoint such other officers of the commonwealth as he may be authorized by law to appoint. Section 8.

In addition to these duties the Governor is given certain enumerated powers which he may or may not exercise, as he sees fit. He may make certain appointments while the Senate is in recess, may remit fines and grant pardons, reprieves and commutations of sentence, and may call special sessions of the general assembly if both Houses cannot agree on the time of adjournment.

(2) Many other duties are imposed upon the Governor by statute, so that there are four ways in which he is called upon to discharge his executive responsibilities: (a) directly; (b) through appointed officials; (c) by appointing commissions; and (d) as a member of state boards and commissions.

(a) The Governor, for instance, acts directly when he orders the state police to a certain place or when he mobilizes the national guard.

(b) He is required by statute to appoint a number of officials by and with the advice and consent of the Senate. The principal officials thus appointed are:

- State Librarian and Director of the Museum.
- Commissioner of Labor and Industry.
- Insurance Commissioner.
- Adjutant General.
- Chief of the Department of Mines.
- Banking Commissioner.
- Superintendent of Public Printing and Binding.
- Forestry Commissioner.
- Commissioner of Health.
- Secretary of Agriculture.
- Superintendent of State Police.
- Commissioner of Fisheries.
- Highway Commissioner.

(c) The Governor is required to appoint a large number of commissions which are thereafter left free to act with little direct responsibility to him. Among such commissions are those which direct the construction of the several state institutions, such as the Industrial Home for Women and the Western Insane Asylum.

(d) The Governor is required to serve on a number of boards as follows:

- Board of Commissioners of Public Grounds and Buildings.
- Soldiers' Orphans' School Commission.
- College and University Council.
- Board of Trustees of the University of Pennsylvania.
- Board of Trustees of the Soldiers' and Sailors' Home.
- Board to Pass upon the Necessity for Underground and Elevated Passenger Railways.
- General Meade Statue Commission.
- Board of Trustees of the University of Pittsburgh.
- Board of Trustees of Pennsylvania State College.
- Emergency Public Works Commission.

2. OTHER CONSTITUTIONAL OFFICERS.

(A) *Appointment and Removal.* The Lieutenant Governor, Auditor General, State Treasurer, and Secretary of Internal Affairs are elected. The Attorney General, Secretary of the Commonwealth and Superintendent of Public Instruction are appointed by the Governor by and with the advice and consent of the Senate.

The Lieutenant Governor and Superintendent of Public Instruction can only be removed by impeachment. The Auditor General, State Treasurer and Secretary of Internal Affairs can be removed either by impeachment or by the Governor "after due notice and full hearing on the address of two-thirds of the Senate." The Attorney General and Secretary of the Commonwealth can be removed by impeachment or by the Governor at his pleasure.

(B) *Powers and Duties.*

(1) The Constitution imposes certain duties upon these officers as follows:—

Lieutenant Governor.

- (a) To be president of the Senate. §4.
- (b) To succeed to the Governor. §13.
- (c) To act as a member of the Board of Pardons. §9.

Secretary of the Commonwealth.

- (a) To keep a record of all official acts of the Governor. §18.
- (b) To act as a member of the Board of Pardons. §9.
- (c) To "perform such other duties as may be enjoined upon him by law." §18.

Attorney General.

- (a) To act as a member of the Board of Pardons. §9.

Auditor General.

No duties specified.

State Treasurer.

No duties specified.

Secretary of Internal Affairs.

- (a) To perform the duties of the Surveyor General. §19.
- (b) To act as a member of the Board of Pardons. §9.
- (c) To conduct a bureau of industrial statistics. §19.
- (d) To report annually to the general assembly. §19.
- (e) To "discharge such duties relating to corporations, to the charitable institutions, agricultural, manufacturing, mining, mineral, timber and other material or business interests of the state as may be prescribed by law." §19.

Superintendent of Public Instruction.

- (a) To perform the duties of the Superintendent of Common Schools. §20.

(2) The statutory duties of these constitutional officers are of three kinds: (a) To act directly; (b) to act through appointed subordinates; and (c) to act as *ex officio* members of state boards and commissions.

(a) The Attorney General, for instance, acts directly when he renders an opinion to one of the state departments.

(b) The power to appoint all subordinates and to remove them at pleasure is generally vested in the principal officers of the state. It is in some cases limited by requiring the Governor's approval of the most important appointment.

(c) All of the constitutional officers, except the Lieutenant Governor, are required by statute to act as members of certain state boards and commissions.

This system has two serious defects: It multiplies administrative bodies with overlapping duties; and it gives to state officers duties foreign to those primary duties which they are selected to discharge.

The duties of the Auditor General illustrate this. He is elected to see to the proper collection of taxes and to the proper expenditure of public money. These duties are certainly sufficient to occupy his time. He is, however, *ex officio* a member of the following boards and commissions:

Board of Revenue Commissioners, who apportion state taxes among the several cities and counties.

Sinking Fund Commission, who assign to the sinking fund available items of surplus funds.

Board of Trustees of the Soldiers' and Sailors' Home.

Board of Commissioners of Public Grounds and Buildings.

The first two of these bodies have duties germane to the Auditor General's primary duties. But the last two seem to include him simply because he was at hand and available to fill an *ex officio* position.

The other constitutional officers of the state are required, as the Auditor General is, to serve upon a considerable number of boards. Some of these are as follows:

State Treasurer.

Board of Revenue Commissioners.

Sinking Fund Commission.

Commission on Soldiers' and Sailors' Home.

Board of Commissioners of Public Grounds and Buildings.

Attorney General.

Board of Public Accounts.

Board on Elevated and Underground Passenger Railways.

General Meade Statue Commission.

College and University Council.

Commissioner of Health.

Water Supply Commission.

Bureau of Medical Education.

Dental Council.

Quarantine Board.

Secretary of Internal Affairs.

Board of Property.

Dental Council.

3. STATUTORY OFFICERS.

These are numerous. The principal officers are appointed by the Governor and all are removable by impeachment or by the appointing power at pleasure. They act in three ways, as do the constitutional officers other than the Governor, that is, directly, through appointed subordinates, and as *ex officio* members of state boards and commissions.

Among statutory officers must be included the large number of commissions and boards which the Governor is required to appoint to discharge executive duties. These are not included within any recognized departments of the state government, and act independ-

ently of all other bodies. The following examples will illustrate the nature of these commissions, whose number now approximates fifty:

- Commission on Gettysburg Monuments.
- Capitol Park Extension Commission.
- Canal Commission.
- Gettysburg Memorial Commission.
- Board of Motion Picture Censors.
- Game Commissioners.
- Delaware River Bridge Commission.

4. OVERLAPPING BODIES.

It is, of course, an economy of time and overhead expense to reduce the number of boards and commissions as much as possible. This may readily be done by including all related bodies within a single department. The advantage of such a change will appear, for instance, by comparing the duties of the Board of Commissioners of Public Grounds and Buildings with those of certain other bodies. It has long been the practice of the general assembly to provide for the erection of a state institution or of a monument by intrusting the matter to an appointed commission, who may or may not direct the conduct and maintenance of the institution or monument after its completion. For instance, there are the following special bodies of this kind:

- Commission to Purchase Land Opposite Independence Hall.
- Branch Capital Commission.
- Commission on Gettysburg Monuments.
- Commission on Industrial Home for Women.
- Robert Morris Monument Commission.
- Commission on Home for Inebriates.
- Capital Park Extension Commission.
- Commission on Western Insane Asylum.
- Commission on Village for Feeble-Minded Women.
- Gettysburg Battlefield Memorial Commission.
- Valley Forge Park Commission.
- General Meade Statue Commission.
- Commission on Delaware River Bridges.

Where similar conditions have existed in other states efficiency commissions have invariably pointed out that there would be an economy of effort and of overhead expense if the work of all of these commissions could be consolidated in one department charged with the construction of all public works and with the maintenance of such works after their completion.

The names and relations of the various state executive bodies are set forth in a valuable chart compiled by Harry S. McDevitt, Esq., solicitor for the Economy and Efficiency Commission, dated January 1, 1917. The general assemblies of 1917 and 1919 have, of course, altered to some extent the situation indicated by Mr. McDevitt. The general assembly of 1917 created twelve new commissions to be appointed by the Governor and created also the Emergency Public Works Commission, consisting of the Governor, Auditor General, State Treasurer and Commissioner of Labor and Industry. The general assembly of 1919 took certain very desirable steps toward consolidation and simplification of the executive departments. Several of the departments were reorganized and the number, duties and

salaries of their employes specifically set forth. In the course of this process some unnecessary boards were eliminated, such as the State Board of Agriculture, the State Live Stock Sanitary Board, the Topographical and Geographical Survey Commission, and the Board of Trustees of the State Library. But much remains to be done.

In preparing this brief I have made liberal use of Mr. McDevitt's chart and also of his report as solicitor to the Economy and Efficiency Commission, dated March 28, 1917. Both of these documents are on file in the Secretary's office and deserve careful examination. In his report Mr. McDevitt has covered the situation in much greater detail than it has been possible for me to do in the space of this brief, and has made specific recommendations looking toward both constitutional and statutory changes.

II. GENERALLY ADMITTED PRINCIPLES UNDERLYING EFFICIENT ORGANIZATION OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT.

(1) The work of the executive branch should all be concentrated in a limited number of departments, each directly responsible to the Governor.

(2) The Governor should be free to devote his time to general direction and supervisory control.

(3) The Governor should have the power to appoint all persons acting as heads of departments, except of the department or departments created to act as a check on expenditures.

(4) One person should not be an officer or exercise functions in two departments.

(5) Appropriations for expenditures should be under an executive state budget system.

I am not aware that these simple principles of efficient executive organization are at present questioned by any person of large executive experience of a public or private character. They lie at the basis of all the recommendations of those commissions which have, in recent years, been appointed to consider the reorganization of the executive work of the Federal government, or of the different state or local municipal governments. They are, of course, not the only principles which should guide the organization of the executive branch of the state government, but each principle as stated is apparently of universal application.

Every one of them is violated in the existing organization of our state government, as appears from the brief outline of that organization which I have given above.

The work of the executive branch is distributed among approximately ninety independent departments, commissions, boards and other bodies, whose number (since it is not limited by the Constitution) is limited only by the will of the general assembly. The Governor is required to serve *ex-officio* upon a considerable number of state boards and commissions and other officers of the state are required to serve *ex-officio* upon commissions and boards for the performance of duties not related to their departments.

III. HOW FAR OUR PRESENT CONSTITUTION PREVENTS THE GENERAL ASSEMBLY FROM REORGANIZING THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT IN ACCORDANCE WITH THE FIVE ABOVE-STATED FUNDAMENTAL PRINCIPLES.

The present Constitution prevents the general assembly from putting into effect the third, fourth and fifth of these principles, in the following manner:

ARTICLE IV, SECTION 21.

This section makes the Secretary of Internal Affairs, the Auditor General and the State Treasurer elective officers. The provision requiring the Auditor General to be elected and not appointed by the Governor is in accordance with the third fundamental principle as stated, because the very object of the creation of the Auditor General's Department is to act as a check on expenditures. On the other hand, making the Secretary of Internal Affairs an elective officer violates the principle that the Governor should appoint all the heads of departments, except those that act as such a check. This violation of a fundamental principle has, however, been already tentatively corrected by the tentative adoption by the Commission of amendments to sections 8 and 21 of article IV. These amendments, if finally embodied in the Constitution, will make the Secretary of Internal Affairs an appointive officer.

Whether the office of Treasurer is one which acts as a check on expenditure, or whether any other reason exists why it should be an elective office, may be a subject for debate. The apparent trend of thought on the part of those who have given study to the subject is towards the existing practice of the Federal government, which is to impose those duties, which in Pennsylvania are imposed on the Treasurer, on the chief of a bureau of a larger department (the Treasury Department) in which department are collected all matters of taxation and finance. In the present state Constitution, while the Treasurer is an elected officer, there is nothing to prevent the general assembly from transferring to his department the duties in respect to the collection of taxes now imposed on the Auditor General.

ARTICLE IV, SECTION 9.

This section requires the Lieutenant Governor, the Secretary of the Commonwealth, the Attorney General and the Secretary of Internal Affairs to examine and pass on all petitions for pardons and commutations of sentence. Such a requirement, so far as it imposes duties on the last three named public officers, violates the fourth principle; namely, that one person should not be an officer or exercise functions in two departments. If it is desired to correct this violation of a fundamental principle, the following changes in the Constitution may serve the purpose:

Insert in article IV between sections 18 and 19 the following new section:

Section 18-A. There shall be a division in the department of law known as the board of pardons, which shall be composed of the Lieutenant Governor, the Attorney General and two other persons appointed by the Governor, not otherwise connected with the department.

Amend article IV, section 9, to read as follows:

He shall have the power to remit fines and forfeitures, and to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted nor sentence commuted except upon the recommendation in writing of the board of pardons.

ARTICLE III, SECTION 15.

This section as at present worded prevents the adoption of an executive state budget system. The Commission, has, however, already tentatively adopted a substitute section which not only permits but creates such a system.

IV. CONSTITUTIONAL CHANGES NECESSARY TO REQUIRE THE GENERAL ASSEMBLY TO ADHERE TO THE ABOVE-STATED PRINCIPLES.

It is obvious that while the present Constitution does not in every respect require the violation of the above-stated principles, it permits their violation by failing to impose appropriate restrictions upon the general assembly. If it be desired to impose such restrictions, the following provisions would serve the purpose:

(1) To concentrate the work of the executive branch in a limited number of departments:

(a) Substitute for article IV, section 1, the following:

Section 1. The executive power of the state Government shall be exclusively vested in a governor, lieutenant governor and executive departments.

(b) Insert between article IV, section 17, and article IV, section 18, the following new sections:

Section 17-A. The general assembly shall by law provide for the organization of the following executive departments:

- 1. Executive.*
- 2. Secretary of the Commonwealth.*
- 3. Law.*
- 4. Auditor and Control.*
- 5. Finance and Taxation.*
- 6. Education.*
- 7. Charities and Corrections.*
- 8. Internal Affairs.*
- 9. Public Utilities.*
- 10. Health and Sanitation.*
- 11. Military and Naval Affairs.*

The general assembly may by law provide for the organization of the following additional executive departments and none other:

12. *Public Works.*
13. *Conservation.*
14. *Agriculture.*
15. *Labor.*
16. *Banking.*
17. *Insurance.*
18. *Civil Service.*

Section 17-B. There shall be the following heads of executive departments:

Secretary of the Commonwealth—Secretary of the Commonwealth.

Law—Attorney General.

Audit and Control—Auditor General.

Finance and Taxation—State Treasurer.

Education—Superintendent of Public Instruction.

Charities and Corrections—Superintendent of Charities and Corrections.

Internal Affairs—Secretary of Internal Affairs.

The General Assembly may place at the head of any other executive department a single public official or a board composed of two or more public officials.

Section 17-C. The general assembly may create within an executive department a board or commission charged with executive duties, but shall not impose executive duties upon any person, board, commission or similar body not included within one of the executive departments; nor shall any public officer be appointed or required to perform executive duties in two executive departments. The duty of inquiring into conditions and making recommendations to the Governor or to any department, or to the general assembly, is not an executive duty within the meaning of this article.

(2) To free the Governor from liability to service upon boards and commissions:

Insert between sections 17 and 18 of article IV a new section as follows:

Section 17-D. The Governor shall not be required to serve upon any board, commission or other body for the discharge of executive functions.

(3) To enlarge the Governor's powers of appointment and to prevent the creation of new elective offices:

(a) Amend the first paragraph of article IV, section 8, as already amended, so that it shall read as follows:

The Governor shall nominate, and by and with the advice and consent of a majority of the members of the Senate appoint, the heads of all executive departments, except the Auditor General and State Treasurer, and such other officers of the commonwealth as he may be authorized by law to appoint.

(b) Substitute for article XII, section 1, two new sections as follows:

Section 1. All state officers whose selection is not provided for in this Constitution shall be appointed and all municipal officers shall be elected or appointed as may be directed by law.

Section 1-A. Elections of state officers shall be held on a general election day, and elections of municipal officers shall be held on a municipal election day except when in either case special elections may be required to fill unexpired terms.

(4) To prevent a state officer from acting in more than one department:

This is covered by Section 17-C suggested above under (1).

It should be noted that in the above-suggested new sections one of the required departments is the executive department. This is to provide for the Governor's necessary personal assistants. The person at the head of this department, under some such title as Secretary of the Governor, would perform the important duties now performed by the Governor's Private Secretary, and in general fulfill with relation to the Governor the functions fulfilled by a chief of staff with relation to the general of army corps. In this connection it is perhaps worth considering whether the time has not come to follow the example already set by thirteen other states in abolishing the largely ornamental office of Lieutenant Governor (see Index Digest of State Constitutions).

V. THE IMPOSITION ON A DEPARTMENT OF SPECIFIED DUTIES BY CONSTITUTION OR STATUTE.

It is apparently generally admitted that the general assembly, in order to meet new conditions as they arise, or to correct those mistakes which experience reveals in any existing division of executive duties among the different departments, should not be hampered by specific provisions in the Constitution from vesting specific powers in definite departments.

To this general rule there are exceptions. For various reasons, particular executive functions may be of such a character that it is important to require in the Constitution that they be performed by a particular officer or department. Thus, though our present Constitution does not impose specific duties on the Auditor General, there is a strong argument in favor of putting into the Constitution a section imposing on him those duties which act as a check on expenditures. For other, but equally important reasons, the Constitution should definitely locate the pardoning power and the method of its exercise. Nevertheless, in the great majority of cases, the principle that the general assembly should be left free to confer or withhold power from a department is a sound principle.

Again, it may be important to require the state government to retain a certain amount of control over a definite subject. This can best be done by inserting in the Constitution a provision giving that control to a definite department. Thus the almost universal desire to bring the charitable and correctional institutions of the state under some kind of state supervisory control might justify the adoption of a section giving to the Department of Charities and Corrections such control.

The present Constitution in a few instances does impose on definite designated departments specific duties, as follows:

ARTICLE IV, SECTION 18.

This article requires the Secretary of the Commonwealth to keep a record of all the official acts and proceedings of the Governor. The importance of the existence of such a record is so great as to justify an exception to the general principle just mentioned.

ARTICLE IV, SECTION 19.

This section requires the Department of the Secretary of Internal Affairs to have "a bureau of industrial statistics." It is, indeed, probable that it would always be wise for the general assembly to impose on the Department of Internal Affairs such a duty; but it is not apparent why the Constitution should contain a special mandate on the subject.

The first part of the section under discussion requires that the Secretary of Internal Affairs shall exercise the powers and perform the duties of the Surveyor General "subject to such changes as may be made by law." The curious wording of this provision raises a doubt whether the general assembly has or has not the right to impose any of the duties exercised by the Surveyor General before 1874 on any department other than the Department of Internal Affairs.

ARTICLE IV, SECTION 20.

This section declares that the Superintendent of Public Instruction shall "exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as may be made by law." Here again we have the question whether any of the duties formerly exercised by the Superintendent of Common Schools could now be imposed on any department other than that presided over by the Superintendent of Public Instruction.

ARTICLE XVII, SECTION 11.

This section provides that "the existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law, and in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof."

The first part of this section raises essentially the same question as that raised by article IV, sections 19 and 20. Is it possible for the general assembly to vest in any department other than the Department of Internal Affairs the powers and duties of the Auditor General in regard to railroads, canals and other transportation companies prior to 1874, except the powers as to their accounts?

The last part of the section under discussion in effect imposes a duty on railroad companies. An effect of the provision has been to raise in the minds of some the doubt whether the general assembly could create another department, such as the Public Service Commission, and impose on the railroads the duty of making special reports to such a department.

To reduce to a minimum the duties specifically required by the Constitution and to allow to the general assembly broad scope in dividing executive duties among the several departments, the following constitutional provisions would serve:

(a) Amend article IV, section 18, by omitting the final words: "and perform such other duties as may be enjoined upon him by law."

(b) Insert between article IV, section 18, and article IV, section 19, the following additional new sections:

Section 18-B. The Auditor General shall examine and adjust all accounts between the commonwealth and any person or persons; he shall collect all money due the commonwealth, and he shall draw his warrant upon the State Treasurer for any amount to be paid out of the public funds.

Section 18-C. The Department of Charities and Corrections shall have supervisory control over all public and private charitable and correctional institutions.

Section 18-D. Except as by this Constitution expressly provided, the general assembly may require any executive department, irrespective of its name, to perform any executive duties whatever.

(c) Omit section 19.

(d) Omit section 20.

(e) For article XVII, section 11, substitute the following:

Section 11. The officials of all utility companies shall make such reports and to such officers as may be required by law.

Note. This substantial-section, while it expressly imposes all duties imposed by the present section, does not add to the legal obligations of officers of utility companies, and would hardly seem to have any place in the Constitution.

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 23.

MUNICIPALITIES—CONTRACTS WITH PUBLIC UTILITIES— POLICE POWER OF STATE.

Harrisburg, Pa., January 27, 1920.

Mr. Charles H. English,

Chairman of Special Committee on Local Government.

Dear Sir: I understand that you desire a brief on the actual decisions of the Supreme Court of the United States and the supreme and superior courts of Pennsylvania on the following questions:

I. Can a state legislature by contract surrender its power to regulate the rates and service of public service companies?

II. If a state legislature gives to a municipality the right to contract with a public service company, in respect to rates and service, and the municipality makes such a contract, is the contract binding on the company and the municipality?

III. If a state legislature gives to a municipality the right to contract with a public service company, in respect to rates and service, and the municipality makes such a contract, can the state disregard the contract and regulate the rates and service?

I. Can a state legislature by contract surrender its power to regulate the rates and service of public service companies?

I am unable to find any decision of the Supreme Court of the United States or of the supreme or superior courts of this state directly involving an answer to this question.

II. If a state legislature gives to a municipality the right to contract with a public service company, in respect to rates and service, and the municipality makes such a contract, is the contract binding on the company and the municipality?

(a) The Supreme Court of the United States has repeatedly held that the contract is binding on the municipality. *Detroit v. Detroit Citizens St. Ry. Co.*, 184 U. S. 368 (1902). The city of Detroit gave the railway company the right to lay its track in the city of Detroit by an ordinance which regulated the rates of fare. This ordinance was accepted by the company and constituted a contract between the city and the company. The city had authority from the state to make such a contract. Later the city passed an ordinance changing the rates of fare as laid down in the first ordinance. Held:—The second ordinance was inoperative under the contract clause of the constitution (art. I, sec. 10), because it impaired the obligation of the city's contract with the company.

Accord:

Los Angeles v. Los Angeles City Water Co., 177 U. S. 558 (1900).

Cleveland v. Cleveland Electric Ry. Co., 194 U. S. 538 (1904).

Cleveland v. Cleveland City Ry Co., 194 U. S. 517 (1904).

Vicksburg v. Vicksburg Waterworks Co., 206 U. S. 496 (1907).

Minneapolis v. Street Ry Co., 215 U. S. 417 (1909).

Detroit United Ry Co. v. Detroit, 39 Sup. Ct. Rep. 151 (1919).

(b) I have not found any decision in the Supreme Court of the United States involving the question whether the contract is binding on the company, but this, of course, is a necessary inference from the decisions above cited.

(c) There are apparently no decisions of the supreme or superior court of Pennsylvania involving this question.

III. If a state legislature gives to a municipality the right to contract with a public service company, in respect to rates and service, and the municipality makes such a contract, can the state disregard the contract and regulate the rates and service?

(a) The only case in the Supreme Court of the United States bearing on the subject is *Detroit United Railway v. Michigan*, 242 U. S. 238 (1916). In 1889 the Detroit City Railway, by a franchise ordinance of Detroit, was given the right to lay its tracks in the city of Detroit. The ordinances contained a proviso for rates less than five cents during certain hours of the day. By ordinance of the village of Fairview, the company was given the right to lay its tracks, etc., in the village for a term which had not expired when this case

came before the court. This ordinance contained provisions for a five-cent fare. The village of Fairview had authority from the state to make such a contract. The Detroit United Railway acquired these rights from the Detroit City Railway before 1907.

In 1907, by an act of the legislature of Michigan, a part of the village of Fairview, which included the railway in question, was annexed to the city of Detroit. This act provided that the annexed territory should be subject to all the ordinances and regulations of the city of Detroit. The supreme court of Michigan construed this act to mean that the ordinance of Detroit of 1889 applied to the annexed territory.

Held:—The act of 1907 as thus construed was inoperative because it impaired the obligation of the contract between the village of Fairview and the company.

Mr. Justice Pitney said (p. 253):

“Because of the provision of §10 of article I of the Constitution of the United States, it was not within the power of the state of Michigan by any subsequent legislation to impair the obligations of those contracts, and since the judgment of the supreme court of that state gave such an effect to the annexation acts of 1907, in conjunction with the ordinances of 1889, as to impair those obligations, the judgments must be reversed.”

The Supreme Court of the United States in the case just cited has held that the state cannot change or disregard the contract of a municipality regulating rates by destroying the municipality and declaring that the rates in force shall be the rates determined by a contract between the public service company and another municipality. It is not a positive decision that the state cannot by any exercise of its police power fix other rates than those in the contract, but there is, of course, justification for citing it in support of such a proposition.

(b) There are apparently no decisions in the supreme court of Pennsylvania involving this question.

(c) The superior court of Pennsylvania has held that the state *may* disregard the contract in such a case. *Wilkinsburg v. Public Service Commission*, 72 Pa. Superior Ct. 423 (1919).

An ordinance of the borough of Wilkinsburg, granting the Pittsburgh Railways Company the right to construct its tracks on the streets of the borough, prescribed certain maximum rates to be charged. Later the company filed with the Public Service Commission a schedule increasing its passenger fares. The increase applied to the service in Wilkinsburg. The borough then filed a complaint with the Public Service Commission praying an order refusing the commission's sanction to the increase in fares. The commission refused the prayer and the superior court approved its action, basing its decision upon section 3 of article XVI of the Constitution of Pennsylvania, which reads:

“The exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.”

The Court, by Trexler, J., said:

“We have no reference to the many cases from other jurisdictions for we think the question depends entirely on the construction of the above section of the constitution, and is within

narrow limits and requires no extended elaboration. We have also avoided the discussion of the cases which concern the question of the impairment of contract in changing a rate fixed in 'consent' ordinances. The answer to the question is found in *Leiper v. Balt. & P. R. R. Co.*, 262 Pa. 328 (332). 'It would be impossible for the commission to enforce an equality of reasonable rates, except upon the basis that it is not bound by contracts previously entered into between a public service company and either a municipality, another corporation, or a private individual' * * * *."

Accord:

McKeesport v. Pittsburgh Ry. Co., 72 Pa. Super. Ct. 435 (1919).

Wilksburg v. Consolidated Tr. Co. et al., 72 Pa. Super. Ct. 437 (1919).

Very truly yours,

WM. DRAPER LEWIS,

Secretary.

MEMORANDA AND BRIEFS No. 24.

LOCAL GOVERNMENTS—BORROWING POWERS OF COEXTENSIVE MUNICIPALITIES.

Mr. Charles H. English,

Chairman of Special Committee on Local Governments.

Dear Sir: I understand that you desire a memorandum on the respective limits upon the borrowing powers of two or more municipalities of different kinds coving the same territory.

Under the present constitution a municipality cannot incur indebtedness exceeding ten per centum on the assessed value of its taxable property. If two or more municipalities cover the same territory and the general assembly permit both municipalities to tax the same properties, the right of each municipality to incur indebtedness up to the constitutional limit has never been questioned so far as I am aware. (See dissenting opinion of Elkin, J., in *Maguire v. Phila.*, 245 Pa. 300.)

In practice, school districts, cities, boroughs and counties each covering the same territory and having the right to tax the same property (act of 18 May 1911, art. V, sections 525, 538, 540, P. L. 338; 5 Purdon 5573-4; acts of 11 May 1901, section 1, P. L. 152; 1 Purdon 497; 12 May 1911, section 1, P. L. 287; 6 Purdon 6851; 27 June 1913, art. V, sec. 3, P. L. 568; 6 Purdon 6913) do actually each incur indebtedness.

In Philadelphia the school district which covers exactly the same territory as the city (act of 18 May 1911, section 101, P. L. 309; 5 Purdon 5554), may increase its indebtedness independently of the city. The legislature, however, has limited the total indebtedness of a school district of the first class, of which Philadelphia is one, to two per centum upon the assessed value of its taxable property (act of 18 May 1911, sec. 535; 5 Purdon 5574).

Through the right of each one of two or more municipalities covering the same territory to incur indebtedness up to the constitutional limit has never been decided by the supreme court of Pennsylvania, yet it has been decided in the affirmative by the appellate courts of Illinois, Indiana, Kentucky, North Dakota, South Dakota and Washington, all of their constitutions having substantially similar provisions to our own. (Wilson vs. Board, 133 Ill. 443; People ex rel. vs. Honeywell, 258 Ill. 319, art. IX, sec. 12; Campbell vs. Indianapolis, 155 Ind. 186, art. XIII, sec. 1; Re Newport, 141 Ky. 329, sec. 158; Valley vs. Grand Forks, 16 N. D. 25, art. XII, sec. 182; Hyde vs. Ervert, 16 S. D. 133, art. XIII, sec. 4; Paine vs. Seattle, 127 Pac. 580, Wash. art. VIII, sec. 6.)

One state, South Carolina, provides against two or more municipalities each incurring indebtedness to the eight per cent limit allowed for a single one, by providing in sec. 5, art. X, that:

"Whenever there shall be several political divisions or municipal corporations covering or extending over the territory, or portions thereof, possessing a power to levy a tax or contract a debt, then each of such political divisions or municipal corporations shall so exercise its power to increase its debt under the foregoing 8% limitation that the aggregate debt over and upon any territory of this state shall never exceed 15% of the value of all taxable property in such territory as valued for taxation by the state."

In New York art. VIII, section 10, provides that the county's power to incur debt ceases when the county boundaries are the same as the city or where the county is wholly included in the city.

In some states the credit of municipal corporations is controlled by placing a limit on the rate of the tax they are authorized to impose. The states thus limiting the tax rate are Alabama, Arkansas, Colorado, Illinois, Kentucky, Louisiana, Michigan, Missouri, Nebraska, North Carolina, New York, Texas, West Virginia and Wyoming. The rate allowed ranges from one-half of one per cent to two and one-half per cent, and is usually exclusive of that existing at the time of the adoption of the constitution or else an additional percentage is allowed to pay for indebtedness then existing. (See Index Digest of Constitutions, pages 1399-1403.)

The Constitution of Pennsylvania fixes the limit of indebtedness of municipalities, but it seems the general assembly may place further restrictions upon the power of incurring indebtedness. By the act of 20 April 1874, P. L. 65, and its supplements (3 Purdon 2719; 6 Purdon 6733), for carrying out the provisions of section 8 of article IX, the general assembly made no attempt to restrict the limits fixed in the Constitution, but provided for the incurring of indebtedness by any county, city, borough, township, school district or other municipality up to the limit fixed in the Constitution. In at least one case, however, the general assembly has fixed a rate below that allowed in the Constitution; namely, in the case of school districts of the first class, which are by the act of 18 May 1911, sec. 535, P. L. 339 (5 Purdon 5574), restricted to two per cent of their taxable property.

In Krause vs. Philadelphia (decided November 5, 1919, and not yet reported), though the question of the rate allowed by the Constitution was not in question, the powers of the general assembly over muni-

cipalities was re-affirmed, the supreme court quoting with approval from its earlier decisions that a municipality is "merely an agency instituted by the sovereign for the purpose of carrying out in detail the objects of government * * * the legislature who may enlarge or diminish its territorial extent, or its functions, may change or modify its internal arrangements or destroy its very existence." The court held that section 8 of article XVII of the act of June 25, 1919, which restricts the purposes for which Philadelphia may incur indebtedness, is a valid exercise of the legislative power, and that section 8 of article IX of the Constitution could not be interpreted as giving an unrestricted right to Philadelphia to incur indebtedness.

Very truly yours,

WM. DRAPER LEWIS,

Secretary.

MEMORANDA AND BRIEFS No. 25.

COUNTY OFFICERS' COMPENSATION FOR COLLECTING STATE TAXES.

Harrisburg, Pa., February 2, 1920.

Mr. Francis Newton Thorpe.

Chairman of Committee No. 3.

Dear Sir: I understand you desire a memorandum on the compensation paid by the state to county officers for collecting state taxes.

I have received from the Auditor General the tabulated statement which you desire.

Very truly yours,

WM. DRAPER LEWIS,

Secretary.

COMMISSIONS RETAINED BY COUNTY TREASURERS, REGISTERS OF WILLS, PROTHONOTARIES AND RECORDERS OF DEEDS, AS AGENTS FOR THE COMMONWEALTH, IN THE COLLECTION OF RETAIL MERCANTILE AND OTHER LICENSE TAXES (EXCLUSIVE OF LIQUOR LICENSES), COLLATERAL AND DIRECT INHERITANCE TAXES, AND WRITS, WILLS, DEEDS, ETC., UNDER THE SEVERAL ACTS RELATING THERETO, FOR THE OFFICIAL YEAR BEGINNING FIRST MONDAY OF JANUARY, 1918, AND ENDING WITH THE FIRST MONDAY OF JANUARY, 1919, IN THE SIXTY-SEVEN COUNTIES OF THE COMMONWEALTH.

COUNTIES.	COUNTY TREASURERS.	REGISTERS OF WILLS.
	Rate: 5% on \$1,000. 1% on \$1,000. $\frac{1}{2}$ % on balance. (Act of April 15, 1834, sec. 42, page 544.)	Rate: Collateral—act of May 14, 1891, page 59. Direct—act of July 11, 1917, sec. 14, page 838. (See note below.)
Adams, -----	\$402 47	\$690 21
Allegheny, -----	4,550 34	21,661 68
Armstrong, -----	744 07	938 48
Beaver, -----	749 46	2,431 57
Bedford, -----	498 85	439 65
Berks, -----	1,522 47	5,198 42
Blair, -----	1,102 46	1,271 42
Bradford, -----	516 88	1,038 81
Bucks, -----	740 55	2,680 58
Butler, -----	799 89	2,079 56
Cambria, -----	1,219 38	2,005 08
Cameron, -----	144 37	55 99
Carbon, -----	438 18	1,603 45
Centre, -----	578 02	1,179 50
Chester, -----	1,143 23	6,473 57
Clarion, -----	420 73	563 04
Clearfield, -----	940 48	1,919 23
Clinton, -----	448 90	515 18
Columbia, -----	496 73	635 01
Crawford, -----	611 07	1,990 10
Cumberland, -----	538 66	1,482 17
Dauphin, -----	1,436 17	2,917 87
Delaware, -----	780 96	11,776 48
Elk, -----	401 84	146 82
Erie, -----	977 70	4,888 64
Fayette, -----	1,035 47	9,550 33
Forest, -----	140 56	615 81

COMMISSIONS RETAINED BY COUNTY TREASURERS, ETC.—Continued.

COUNTIES.	COUNTY TREASURERS.	REGISTERS OF WILLS.
	Rate: 5% on \$1,000. 1% on \$1,000. $\frac{1}{2}$ % on balance. (Act of April 15, 1834, sec. 42, page 544.)	Rate: Collateral—act of May 14, 1891, page 59. Direct—act of July 11, 1917, sec. 14, page 838. (See note below.)
Franklin, -----	723 57	1,459 67
Fulton, -----	149 62	58 42
Greene, -----	175 21	1,853 85
Huntingdon, -----	644 65	371 54
Indiana, -----	775 95	817 46
Jefferson, -----	656 25	684 05
Juniata, -----	201 18	395 26
Lackawanna, -----	1,999 56	5,043 46
Lancaster, -----	1,592 14	6,524 39
Lawrence, -----	784 75	2,162 50
Lebanon, -----	621 50	1,928 21
Lehigh, -----	1,145 00	3,034 19
Luzerne, -----	1,497 15	4,356 70
Lycoming, -----	815 40	3,004 79
McKean, -----	525 37	3,261 93
Mercer, -----	751 49	11,493 11
Mifflin, -----	503 88	453 19
Monroe, -----	410 47	590 31
Montgomery, -----	1,155 41	8,410 97
Montour, -----	169 59	252 73
Northampton, -----	962 47	3,136 96
Northumberland, -----	724 65	1,725 93
Perry, -----	291 65	370 21
Philadelphia, -----	5,962 43	53,871 04
Pike, -----	170 85	253 88
Potter, -----	202 46	199 28
Schuylkill, -----	1,108 72	2,888 39
Snyder, -----	198 45	462 03
Somerset, -----	686 67	701 64
Sullivan, -----	127 53	‡
Susquahanna, -----	251 31	639 03

COMMISSIONS RETAINED BY COUNTY TREASURERS, ETC.—Continued.

COUNTIES.	COUNTY TREASURERS.	REGISTERS OF WILLS.
	Rate: 5% on \$1,000. 1% on \$1,000. ½% on balance. (Act of April 15, 1834, sec. 42, page 544.)	Rate: Collateral—act of May 14, 1891, page 59. Direct—act of July 11, 1917, sec. 14, page 838. (See note below.)
Tioga, -----	314 65	616 13
Union, -----	247 56	389 02
Venango, -----	672 78	3,284 61
Warren, -----	450 72	1,774 09
Washington, -----	1,246 09	3,337 91
Wayne, -----	217 06	574 93
Westmoreland, -----	1,503 52	3,692 93
Wyoming, -----	150 55	266 35
York, -----	1,279 44	3,819 08
Totals, -----	\$54,456 50	\$224,908 82

†No returns or payments for 1918.

COMMISSIONS RETAINED BY COUNTY TREASURERS, REGISTERS OF WILLS, PROTHONOTARIES AND RECORDERS OF DEEDS, AS AGENTS FOR THE COMMONWEALTH, IN THE COLLECTION OF RETAIL MERCANTILE AND OTHER LICENSE TAXES (EXCLUSIVE OF LIQUOR LICENSES), COLLATERAL AND DIRECT INHERITANCE TAXES, AND WRITS, WILLS, DEEDS, ETC., UNDER THE SEVERAL ACTS RELATING THERETO, FOR THE OFFICIAL YEAR BEGINNING FIRST MONDAY OF JANUARY, 1918, AND ENDING WITH THE FIRST MONDAY OF JANUARY, 1919, IN THE SIXTY-SEVEN COUNTIES OF THE COMMONWEALTH.

COUNTIES.	PROTHONOTARIES.	RECORDERS OF DEEDS.
	Rate: 3%. Act of April 6, 1830, section 7, page 274.	Rate: 3%. Act of April 6, 1830, section 7, page 274.
Adams, -----	\$6 74	-----
Allegheny, -----	306 20	\$571 64
Armstrong, -----	7 66	-----
Beaver, -----	20 32	-----
Bedford, -----	6 58	-----
Berks, -----	23 67	118 65
Blair, -----	17 19	-----
Bradford, -----	13 87	-----
Bucks, -----	9 37	71 44
Butler, -----	8 75	-----
Cambria, -----	21 50	83 28
Cameron, -----	5 15	-----
Carbon, -----	5 18	17 08
Centre, -----	4 73	20 70
Chester, -----	13 96	71 88
Clarion, -----	4 67	-----
Clearfield, -----	10 59	-----
Clinton, -----	4 83	-----
Columbia, -----	7 48	-----
Crawford, -----	14 96	-----
Cumberland, -----	8 84	31 15
Dauphin, -----	25 99	86 03
Delaware, -----	34 13	180 35
Elk, -----	2 56	-----
Erie, -----	27 59	-----
Fayette, -----	21 68	92 53
Forest, -----	7 14	-----

COMMISSIONS RETAINED BY COUNTY TREASURERS, ETC.—Continued.

COUNTIES.	PROTHONOTARIES.	RECORDERS OF DEEDS.
	Rate: 3%. Act of April 6, 1830, section 7, page 274.	Rate: 3%. Act of April 6, 1830, section 7, page 274.
Franklin, -----	7 25	-----
Fulton, -----	5 73	-----
Greene, -----	4 83	-----
Huntingdon, -----	8 25	-----
Indiana, -----	11 01	-----
Jefferson, -----	9 03	-----
Juniata, -----	2 50	-----
Lackawanna, -----	45 76	68 76
Lancaster, -----	18 62	90 74
Lawrence, -----	13 98	-----
Lebanon, -----	7 15	37 80
Lehigh, -----	16 72	116 94
Luzerne, -----	42 44	82 94
Lycoming, -----	12 52	-----
McKean, -----	5 76	32 13
Mercer, -----	15 57	75 20
Mifflin, -----	3 94	-----
Monroe, -----	5 43	-----
Montgomery, -----	22 56	157 93
Montour, -----	1 67	-----
Northampton, -----	20 20	108 86
Northumberland, -----	16 69	-----
Perry, -----	3 54	-----
Philadelphia, -----	467 19	1,489 59
Pike, -----	6 83	-----
Potter, -----	5 50	-----
Schuylkill, -----	19 52	43 86
Snyder, -----	2 49	-----
Somerset, -----	7 71	34 85
Sullivan, -----	-----	-----
Susquehanna, -----	6 74	-----

COMMISSIONS RETAINED BY COUNTY TREASURERS, ETC.—Continued.

COUNTIES.	PROTHONOTARIES.	RECORDERS OF DEEDS.
	Rate: 3%. Act of April 6, 1830, section 7, page 274.	Rate: 3%. Act of April 6, 1830, section 7, page 274.
Tioga, -----	10 60	-----
Union, -----	2 40	-----
Venango, -----	6 23	-----
Warren, -----	7 32	-----
Washington, -----	27 40	98 87
Wayne, -----	5 87	-----
Westmoreland, -----	27 35	159 42
Wyoming, -----	3 02	-----
York, -----	18 66	54 84
Totals, -----	\$1,567 37	\$3,997 46

NOTE.

The rate of commissions to be retained by register of wills is now fixed by the act of June 20, 1919, sec. 21, page 526. Hereafter, these commissions will be greatly reduced. Example: The gross amount of collateral and direct inheritance taxes collected in Philadelphia city and county, for the year 1918, was \$2,381,874.86; commissions retained, \$53,871.04. Under the new act the commissions would have been as follows, viz:

5% on -----	\$50,000 00	=	\$2,500 00
3% on -----	50,000 00	=	1,500 00
1% on -----	100,000 00	=	1,000 00
$\frac{1}{2}$ of 1% on -----	800,000 00	=	4,000 00
$\frac{1}{4}$ of 1% on -----	1,381,874 86	=	3,454 69
Commission on -----	\$2,381,874 86	would be	\$12,454 69
Instead of -----			\$53,871 04

MEMORANDA AND BRIEFS No. 26.

COURTS—PROTECTION OF LEGAL RIGHTS OF POOR.

Harrisburg, Pennsylvania, February 2, 1920.

Hon. Hampton L. Carsen,

Chairman of Committee No. 5.

Dear Sir: I understand that you desire a memorandum on constitutional provisions for the protection of the legal rights of the poor.

With respect to the ascertainment and enforcement of their legal rights, the poor labor under three disadvantages:

- (1) The necessity of employing counsel.
- (2) The cost of litigation.
- (3) The delays of litigation.

(1) NECESSITY FOR EMPLOYING COUNSEL.

When a man wishes to employ counsel in an advisory capacity, for instance to draw a contract or a will, he usually has enough money to pay for the services rendered, because the transaction is of a business nature. For such a man special protection is not required.

But even where counsel is required only in an advisory capacity, there may be a duty to protect the poor. For instance, the present housing situation with its attendant difficulties between landlords and tenants suggests that tenants who are unable in ordinary times to pay a lawyer's fee might well be guaranteed free legal advice before executing their leases.

But the great majority of cases in which the want of counsel places the poor at a disadvantage are cases of actual litigation. If a laborer wants to collect a ten-dollar wage claim, he often has no idea what to do; his only recourse is to a lawyer whose fee may amount to half of the claim. A poor man does not intend to throw good money after bad, and so the claim is of necessity dropped.

Accident cases illustrate another phase of the same problem. When a man is injured outside of the course of his employment, he must usually employ a lawyer to sue for him. Since he is unable to pay any fee except in case of success, he must make an agreement for the payment of a fee only in case of success. Since the lawyer risks giving his services for nothing, the amount of this contingent fee is frequently larger than the amount of work justifies. A half-and-half division between attorney and client of any amount obtained is not uncommon. Where a verdict runs into thousands of dollars, such an arrangement obviously takes too much from the injured man, and the arrangement is necessary simply because he is poor. A man who is able to pay his attorney can arrange to pay no more than a reasonable fee, no matter how high the verdict.

I do not intend to discuss the merits and demerits of the contingent fee system. I am simply pointing out that the necessity of it in many cases places the poor man at a disadvantage as compared to his more prosperous neighbor.

In large cities, as for instance in Philadelphia, legal aid societies do a great deal to counteract this disadvantage of the poor. In Philadelphia the Legal Aid Society handles over 5,000 cases a year. Most of these are cases in which the attorneys of the society prevent litigation by settlement or by advice. Where litigation is inevitable it is conducted by younger attorneys who volunteer their services and receive moderate fees out of any sums collected, the amounts of these fees being strictly supervised by the society.

There has been in the past few years a growing feeling that free legal aid work is a public function and that it should be discharged by a governmental agency. In at least nine cities public legal aid bureaus have been opened (St. Louis, Los Angeles, Kansas City, Portland, Omaha, Dallas, Dayton, Duluth and Hartford). So far as I can ascertain each of these is conducted as a part of the city administration. In some of these cities the work of the public bureaus has been most encouraging. But in Dallas and Portland they were abolished in 1917 for political reasons. To intrust this function to the executive branch of the local government seems precarious, because the choice of an attorney of the bureau of legal aid, which is obviously a matter of prime importance, will almost inevitably be controlled to some extent by political considerations. The abuses to which an unfit attorney might subject the system are plain. His opportunities for making money improperly for himself and his friends would be almost unlimited.

There is a strong argument for the proposition that the matter of furnishing free counsel to the poor is properly a matter for the courts. Theoretically, that is now the situation in Pennsylvania, since the statute of II Henry VII, cap. 12 (A. D. 1494), is still in force in this state (report of the judges in 3 Binney). This statute provides that "every poor person" shall be able to sue without cost, and that the court shall "appoint attorney and attorneys for the same poor person or persons, and all other officers requisite and necessary to be had for the speed of the said suits to be had and made, which shall do their duties without any reward for their counsels, help and business in the same." (Roberts' Digest of British Statutes in Pennsylvania, page 116.)

It will be observed that no provision is made for defendants; they must get along without counsel as best they can. And so far as plaintiffs are concerned, the practice of assigning counsel is practically obsolete in Pennsylvania, to the best of my knowledge. No doubt any judge would undertake to find volunteer counsel for a worthy suitor, but it is not generally known that the statute law requires him to do so, and he is in consequence very seldom called upon.

In Scotland and France the bench and bar have for centuries combined to operate a legal aid system by virtue of which free counsel is assigned to those who cannot pay for legal services. In Scotland, whose population is considerably less than that of Pennsylvania, about two thousand persons a year apply for this assistance. In England the high court of judicature has compiled a list of solicitors and barristers who are willing to accept unpaid assignments. In criminal cases I believe that it is the practice in the country counties of Pennsylvania to assign counsel to every defendant not represented. Such a system does not prevail in Philadelphia, except on the trial of indictments for murder.

If it be thought that every man should be entitled to the services of counsel in litigation, irrespective of his ability to pay for such services, the question arises as to how far the Constitution can embody such a principle. A detailed outline of a public legal aid system is evidently out of place in a Constitution, because it would have to be modified to meet changing conditions and the teachings of practical experience.

The Constitution might direct the general assembly to legislate in the matter; and might compel a compliance with the direction by providing that the salaries of legislators should cease unless an appropriate act were passed within a designated period.

A third method is to insert in the Constitution an express provision covering the assignment of counsel to poor persons. It should be observed that unless such counsel were compensated from the public funds there is some question as to whether this would not violate the fourteenth Amendment to the Constitution of the United States, by depriving the assigned lawyer of his property without due process of law. (*Webb vs. Baird*, 6 Ind. 13; *Dane County vs. Smith*, 13 Wis. 585.) Possible constitutional provisions to carry out the last two methods are suggested below in this brief.

The converse aspect of this matter of employing counsel also deserves mention. It has been felt in some jurisdictions that the attendance of lawyers in small claims cases impedes justice rather than assisting it. As a result, in Kansas and in Portland, Oregon, attorneys are excluded by law from the special small claims courts, while in Cleveland their attendance is discouraged by the attitude of the court and bar. Whatever may be the merits of such a system it cannot be embodied in the Constitution unless that instrument is to create a special court from which attorneys are to be excluded. The question as to the exclusion of attorneys from certain courts can best be answered by statute, since there is no impediment in our state Constitution to such exclusion. It should be noted that a doubt might arise as to whether a litigant was not entitled to representation by attorney by virtue of the due process clause of the Federal Constitution.

(2) COSTS.

The second disadvantage under which the poor labor in securing their legal rights is the necessity of paying the costs incident to litigation. To institute suit it is necessary to pay a fee to the prothonotary and another to the sheriff. When the time of trial comes witnesses may refuse to attend unless paid their fees in advance. Jury fees also must now be paid in advance. All of these charges make a small claim of fifty dollars or less scarcely worth pursuing.

The problem here, as in the matter of the employment of counsel, is a problem of expense. The poor plaintiff hesitates to risk ten dollars for the sake of recovering twenty. To the defendant, of course, the matter of costs is not so material.

There are two ways of meeting the cost situation. One is to eliminate costs entirely in favor of the persons who are actually unable to pay them. The other is to graduate costs so that they will fall less severely upon a plaintiff with a small claim.

The first method is theoretically in force today. The statute of II Henry VII, which I have already referred to as in force in

Pennsylvania, provides that "every poor person or persons which have or hereafter shall have causes of action against any person within this realm shall have by the discretion of the chancellor of this realm for the time being, writ or writs original and subpoenas according to the nature of their causes, therefor nothing paying to your Highness for the sale of the same, nor to any person for the writing of the said writs to be hereafter sued," with a further clause covering the gratuitous services of "all other officers requisite and necessary to be had for the speed of the said suits." This is the foundation of what is known as the proceeding in *forma pauperis*.

From the wording of this statute it is doubtful whether it covers the elimination of any of our costs except those of the prothonotary. But the question of its scope is academic only because, so far as I can learn, the statute is never invoked. There are special statutes permitting proceedings in *forma pauperis* in inquisitions in lunacy, in appeals from awards of arbitrators and in appeals from justices' judgments. But for the great majority of litigation there is no provision except the act of 1494 which has fallen out of sight and into disuse.

If it be desired to insert in the Constitution a provision guaranteeing to every man, irrespective of poverty, his right to sue and defend and his right to the advice and assistance of counsel, the following additional section in the judicial article would serve the purpose:

ARTICLE V.

Section 28. Any person who shall be unable, without great hardship, to employ counsel or to pay the costs of litigation, shall be entitled to the gratuitous services of counsel to be assigned to him by the court, or to relief from the payment of such costs, or both, as justice shall require.

If it be desired to insert in the Constitution simply a direction to the general assembly, the following would serve the purpose:

ARTICLE V.

Section 28-A. The general assembly shall provide by law for the assignment of gratuitous counsel and for relief from the payment of the costs of litigation to any person who shall be unable, without great hardship, to employ such counsel or to pay such costs, as the case may be.

The first of these provisions creates, or rather resurrects, a system which will be administered by the courts unless and until regulated by general law. The second provision creates nothing and produces no result unless and until the general assembly acts.

A second method of curing the evil of prohibitive costs which is, of course, not exclusive of the first method, is to reduce the costs in proper cases. This may be done by radical changes in procedure, such as eliminating the need of service by the sheriff, as is done in New York, or by simply reducing costs in small claim cases. In Cleveland, for instance, the average cost of bringing suit in the small claims court is only fifty-two cents, while in the municipal court of Philadelphia it is from four to eight or nine dollars according to whether a jury trial is demanded and according to the dis-

tance which the sheriff will have to travel to serve the writ. Such changes in procedure would be statutory and would require no express constitutional sanction.

A graduated table of costs would serve to distribute more fairly the burden of the expense of litigation. If for example the total costs could never exceed three per cent of the amount involved, with a maximum limitation of ten or twenty dollars, the enforcement of a small claim would become much easier. Of course, such a table of costs would necessarily be contained in a statute. **It might be** suggested that such a statute would violate article III, section 7, clause 17, of the Constitution, which forbids special legislation regulating the practice of any judicial proceeding or providing or changing methods for the collection of debts. To obviate such an objection the following proviso might be inserted at the end of this clause:

Provided, however, that the costs of litigation may be classified or graded according to the amounts in controversy.

(3) DELAYS.

The third disadvantage under which the poor plaintiff labors is his inability to bear delay. Usually he must receive redress quickly if it is to be of any real service. A richer man, on the other hand, can usually afford to wait, and delays though they are annoying to him are not vital matters.

The only cure for the evils of delay is change in procedure, and this is a matter with which a Constitution cannot properly deal, because procedure is a matter of many details, necessarily subject to constant change. For reform in this respect we must look to the rapidly growing and active sentiment of the public, the bench and the bar.

There is one way in which this sentiment may particularly find expression. If all matters of procedure were intrusted by the general assembly to the courts, the judiciary would in all probability rise to the opportunity, and by increasing the flexibility and simplicity of practice reduce the delays which now especially vex poor litigants. At the same time and by the same rules, the courts could make effective the suggested guarantee of free counsel and free litigation to the very poor. Such a delegation of power to the courts might be open to question in so far as it covered such matters as the law of evidence, because it might be argued that such matters could only be regulated by an exercise of the legislative power, which cannot be delegated. To avoid this difficulty, the judicial article of the Constitution might contain a new section as follows:

ARTICLE V.

Section 28-B. The general assembly may vest in any court, or courts or judges power to regulate partly or wholly the methods to be followed in judicial proceedings.

The best study of this general subject which has come to my attention is a two hundred and fifty page pamphlet entitled "Justice and the Poor," prepared by Reginald Heber Smith, Esq., of the Boston bar, for the Carnegie Foundation for the Advancement of Teaching. This pamphlet is in file in the Secretary's office.

I believe that the suggested provisions which I have here called to your attention are substantially all those which it is practicable to add to the Constitution for the protection of the legal rights of the poor. For the Commission to attempt to create another constitutional court or regulate further the jurisdiction of any existing court by constitutional mandate would, it is submitted, retard rather than hasten any solution of the grave and pressing problem of giving adequate protection to the rights of the man of little means.

Such examination as I have been able to give to the subject-matter of your inquiry serves to confirm my conviction that the defects in the administration of justice in America can be ameliorated only after a thorough study of court organization and judicial procedure by a specially appointed commission. Such a study to be worth anything must necessarily extend far beyond the limits of constitutional provisions and concern itself principally with legislative and judicial action. It is a work which this Commission, in view of its composition and the limitations of its duties to constitutional amendment and revision, ought not and indeed cannot take up.

Doubtless your committee have and the Commission will carefully consider the advisability of encouraging the general assembly to appoint such a commission by giving the general assembly the power to act on any recommendations which such a commission might make and by striking out from the present Constitution all reference to any specific court except the supreme court, while providing for the continuance of all courts now established until changed by the general assembly, and protecting each judge from any change which will adversely affect his salary, term of office, or the general character of the work in which he is engaged.

Very truly yours,
WM. DRAPER LEWIS,
Secretary.

MEMORANDA AND BRIEFS No. 27.

MUNICIPALITIES—IMPROVEMENTS—EXCESS CONDEMNATION—ASSESSMENT OF BENEFITS.

Harrisburg, Pa., February 3, 1920.

Mr. Charles H. English,

Chairman of Special Committee on Local Government.

Dear Sir: I understand you desire a memorandum on some of the arguments of the advocates of giving to municipalities the right to assess benefits for public improvements, irrespective of relative positions of the improvement and the land assessed, and the right to take and resell, under restrictions, land incidental to but not used for the improvement.

In response to your inquiry, I submit herewith a letter I have received from Mr. Andrew Wright Crawford, secretary of the City Parks Association of Philadelphia, and field secretary of the American Civic Association.

Very truly yours,
WM. DRAPER LEWIS,
Secretary.

Mr. Wm. Draper Lewis,

Secretary of the Commission on Constitutional Amendment and Revision.

Dear Sir: You have asked me to state the arguments in favor of the proposed constitutional amendment embodied in sections 18 and 19 of the new article on municipalities reported to the Commission by the special committee on local government. I am happy to comply with your request.

These amendments are not surpassed in importance by any proposed, in so far as dwellers in cities are concerned, because they affect the financial ability of cities to undertake physical developments and the protective power of the cities to secure public health. Every existing and every future municipality of the state, whether cities of the first, second or third class, every borough and every township, is interested in them. They concern more than one-half of the population of the state.

Every city grows and is bound to grow. During the four years of Mayor Moore's administration alone, a new city equal in population to Columbus, Ohio, will be added to the existing population of Philadelphia, due to the normal growth of 45,000 to 50,000 per year. The other cities of Pennsylvania also grow proportionately, some faster, some more slowly. Each must open new streets, new parks, and create other improvements in heretofore undeveloped areas. The older cities must also create new central improvements. Philadelphia, sooner or later, must build a business street running northeastwardly from the vicinity of Thirteenth and Arch streets; must build some kind of a central traffic circuit; and is at work on a general rapid transit system.

To the former general class of new work the principle of the assessment of special benefits on the entire zone benefited should be made applicable in Pennsylvania, as it is today in nearly every other state of the Union; to the latter class of improvements, which may be called reconstruction, the principle of excess condemnation should be made applicable as it has been in at least four states.

I. EXCESS CONDEMNATION.

(Section 19 of the Article on Municipalities.)

The excess condemnation amendment to the constitution of Massachusetts adopted in 1911; that of New York in 1913; that of Ohio in 1912; and that of Wisconsin in 1912, are given on pp. 91 and 92 of the book submitted herewith, entitled: "Excess Condemnation: A Report of the Committee on Taxation of the City of New York," published in 1915. (Note. On file in the Secretary's office.) That report contains, on pp. 13 to 22, a statement of the reasons for excess condemnation.

The Pennsylvania legislature passed the excess condemnation act of 1907, which I drew, and in his opinion sustaining the act Judge Sulzberger referred to some of the physical reasons for the power as follows:

"The city of Philadelphia has designed to build a noble highway from its city hall to Fairmount Park. It was to pass through a region containing buildings insignificant and mean

in appearance. Many of the private homes were small, and the owners, however gifted with taste or actuated by public spirit, could not build structures of sufficient magnitude to give dignity to the highway.

"In order to prepare the way for a highway, which should by its character beautify the city and increase its attractiveness and renown, it was felt that the city should have power to control property abutting on the Parkway to the depth of 200 feet beyond, and should so exercise this control as to assure the erection of stately and attractive buildings along the whole length of the Parkway. The first necessity was, therefore, to break up the small holdings and to establish the rule that buildings must be of a minimum width far greater than most of the actual buildings. Other rules would then follow, regulating the minimum, maximum and proportionate heights of buildings, the relations between buildings on adjoining lots, the prohibition of blind walls and kindred matters. * * *

"The real purpose was the development of a highway which should be a model of architectural beauty and impressiveness. That such a feature of a great city is of value cannot be denied. It is an important educational force which tends to improve good taste in buildings in all sections of the city and the commonwealth. Moreover, it has an effect directly utilitarian. It increases the attractiveness of the city, induces strangers to visit it, and thus enlarges trade and commerce.

"It is to the weight of all these considerations that we must attribute the enactment of the statute of 1907."

I regret to state, however, that the decision of the lower court was not wholly sustained by the supreme court, which on appeal held that the provision of the act authorizing the condemnation of land abutting on a parkway for the purpose of resale was unconstitutional.

The Justice of Excess Condemnation and its Indispensable Physical and Important Financial Results.

New diagonal streets necessarily cut the boundary lines of the properties fronting on the older existing streets at all sorts of angles, varying from one or two degrees to eighty-eight or eighty-nine degrees. Obviously, no satisfactory building can be erected on a lot that slants away from a new thoroughfare at an angle of, say, ten degrees. The power of excess condemnation enables cities to take all of these irregular lots and others in their neighborhood and recast the entire abutting property, so that new lot lines at right angles to the new thoroughfare are created. Thus workable property units are secured.

Another and important physical result is that the width of the lots can be made to bear a proper relation to the width of the new highway. A fourteen-foot lot fronting on a two-hundred-foot-wide parkway is an incongruity.

Similarly, a fifty-story building may be as ill-suited to such a thoroughfare as a two-story building and, as Judge Sulzberger says, "the maximum and minimum height constitute a matter, that it is extremely desirable for the city to be able to regulate."

We have not had in Philadelphia as much experience of the small "gores," the thin pieces of property left by a widening, as they have in New York and Chicago. But the time cannot be far distant when there will be plenty of such examples if this power is not secured. If a corner property is twenty feet wide and, say, one hundred feet deep, and the city condemns a width of seventeen or eighteen feet, the remaining slice of two or three feet is useless for the owner unless he chooses to blackmail the adjoining owner should he desire to make his property the corner property, which is desirable both for him and for the city.

Important as is the power of excess condemnation in the case of such a parkway as the Fairmount Parkway, it is more important for such a business street as that proposed to run from the center of the city northeastwardly, for such a street should result in the creation of large single lots for the erection of large buildings; and this is only practicable to any considerable extent if the city can recast the lot lines as the result of its ownership of the abutting property.

On the financial side, I present for example the following figures with regard to three municipal operations in Montreal:

Actual Results of Excess Condemnation in Montreal.

St. Lawrence Boulevard Opening:

Amount of land taken,	102,002 sq. ft.
Land used for street purposes,	49,910 sq. ft.
Land sold,	53,092 sq. ft.
Total purchase price,	\$690,570 00
Net returns from sales,	716,194 00
Profit,	\$25,625 00

Cartier Street Opening:

Land purchased,	130,817 sq. ft.
Land used as street,	55,637 sq. ft.
Land sold,	75,180 sq. ft.
Total purchase price,	\$99,626 00
Net proceeds of sale,	112,443 00
Profit,	\$12,817 00

George Etienne Cartier Square:

Land purchased,	164,504 sq. ft.
Land used as street, lots and square,	82,426 sq. ft.
Land sold,	82,038 sq. ft.
Total purchase price,	\$82,252 00
Net proceeds of sale,	99,032 00
Profit,	\$16,780 00

Actual Results of Excess Condemnation in London.

A pamphlet issued by the City Club of New York makes the following statement with regard to such operations in England:

"This policy has produced satisfactory results in European cities. In London the cost of opening the following streets was reduced by the following percentages, by the resale of surplus property:

"Street.	"Percentage.
"Carrisk street,	72%
"Southward street,	67%
"Queen Victoria street,	53%
"Northumberland avenue,	\$600,000 profit
"Kingsway,	87%"

The opening of the Kingsway in London by the condemnation of abutting property and the recoupment of a very large part of the cost of the improvement by the renting of the excess property so acquired on long-term improvement leases has been widely published. While the original cost of the Kingsway was \$30,000,000, the net cost on the basis of capitalized leases appears to be only \$4,000,000. As a matter of fact, these leases are for ninety-nine years, which means that at their termination the city will come into vastly valuable possessions of improved property. The financial results for the taxpayers are obviously most satisfactory.

The excess property taken in the Kingsway operation is shown by the plan reproduced in the New York Taxation Committee's report on "Excess Condemnation" already referred to. That report gives the results of many operations.

Similar operations in Birmingham carried out by Joseph Chamberlain, when a member of the city council, constituted one of the powerful levers by which he secured his ascendancy in British politics. The operations of Haussmann in Paris and of the authorities of German cities are well known.

By "excess condemnation" the owner of the property secures everything that he owns at the time of the condemnation, but he does not get an additional benefit to his pocket caused by the expenditure of the city's money. Instead, this benefit is acquired by the city at the time of the resale or lease of the property. It is the expenditure by the city of the taxpayers' money that causes the improvement in values and the taxpayers in their corporate capacity as the city should get the benefit.

II. ASSESSMENT OF BENEFITS.

(Section 18 of the Article on Municipalities.)

A constitutional amendment is much needed to raise the law of Pennsylvania to the level of the justice secured now in the great majority of the states of the United States.

The principle is to assess the direct special monetary increase in values caused by a public improvement upon the properties specially benefited, whether directly abutting on the improvement or not, the payment of the assessment generally being spread over a period of ten years.

The broad justice back of the principle is that he who sows should reap, and that, as the taxpayers' money causes the increase, the taxpayers' public treasury should reap that increase.

While an important public work causes a general much-diffused increase of values over the whole community, there is always a direct special benefit on the property very directly within the sphere of influence of such a work, and it is only this specially benefited property that is assessed specially.

The method of paying for improvements through the assessment of benefits upon properties affected, whether or not they touch the improvement, is finding more and more general application throughout the United States. The courts of Pennsylvania have limited such assessments to abutting properties, an arbitrary rule that accords with neither fact nor justice, while an old act of the legislature actually prohibits the assessment of benefits upon even abutting properties for the taking of land for park purposes, although it is well known that the values of abutting properties are invariably immensely enhanced by the creation of a park. The following is a quotation from a report of the Committee on Comprehensive Plans:

"That the opening of streets, the construction of transportation lines, the creation of parks and other large municipal improvements greatly increases the value of property is proven in every case where such improvements have been made, and it is very seldom that the owners of property benefited contribute any substantial aid, financial or otherwise, toward the improvement. The opening of the Boulevard from Broad street through the northeastern part of the city more than doubled the value of property in its vicinity, yet the owners of the benefited property contributed nothing whatever.

"Prior to the construction of the Market street subway-elevated line (in Philadelphia) the average annual increase, during several years, in the assessed value of property in the West Philadelphia wards was about \$2,300,000, while the average increase in the same area since its construction has been about \$11,500,000, most of which has been in the section served directly by the car lines using the subway. The territory benefited contributed nothing toward the construction of the lines, although it received enormous benefits.

"Several years ago the town of Brookline, Mass., widened Beacon street from 50 to 175 feet at a cost of \$450,000, and within five years property within five hundred feet of the widened street advanced \$5,000,000 in value.

"In the seven years immediately succeeding the construction of the New York Rapid Transit Subway, property in upper Manhattan and the Bronx most directly affected advanced \$80,500,000 beyond the normal increase for that period. The portion of the subway in that particular district cost about \$13 000,000 and its total cost from the Battery to its northern terminal was \$43,000,000. If the entire cost had been assessed against only the northern section referred to, there would still have remained the handsome profit of \$36,500,000 for property owners. Several large municipal undertakings now being financed by this method may be noted as showing that cities are adopting this policy of requiring property benefited by an improvement to pay at least a portion of the cost.

"During the past eighteen years Kansas City, a city of 275,000 population, has expended nearly \$12,000,000 in the creation of a system of parks and parkways, 82.3 per cent of which has been assessed against benefited property; a special assessment is also levied against the benefited area for maintenance.

"New York is now opening Queens Boulevard of the width of 200 feet from the Queensborough Bridge to Jamaica, a distance of about eight miles; part of this work consists of widening an 80-foot street through improved property. The city pays 50 per cent of the cost, the Borough of Queens 30 per cent and the remaining 20 per cent is being assessed against benefited property.

"In the extension of Seventh avenue and widening of Varick street in lower Manhattan the former was extended and the latter widened through solidly built-up blocks. This improvement is somewhat similar to the proposed central traffic circuit and its cost was distributed as follows:

"Upon the frontage.....12 per cent.

"Upon a larger benefited district.....33 per cent.

"Upon the Borough of Manhattan.....40 per cent.

"Upon the Borough of Brooklyn.....11 per cent.

"Upon the Borough of Bronx..... 4 per cent.

"This improvement lies entirely in the Borough of Manhattan, and, while the Boroughs of Brooklyn and Bronx are each assessed a portion of the cost, no part of it is laid upon the Boroughs of Queens or Richmond, as those sections of the city receive no benefit.

"The widening of Twelfth street and the extension of Michigan avenue, in Chicago, are also similar to the traffic circuit in that they pass through solidly built-up areas in the centre of the city. The estimated cost exceeds \$12,000,000, about one-half of which will be assessed against benefited property."

It should be appreciated that failure to assess special benefits, where there are special benefits, cripples the progress of the city and prevents other property owners from getting improvements to which they are equally entitled. The city has only a certain sum to spend on developments; the assessment of benefits will make that sum go much further than it would if there were no such assessment.

For instance, if the city spends \$5,000,000 on an improvement and no benefits are assessed, that one improvement is all it gets. Suppose, however, it assesses 80% of that cost on the zone of property increased in value by it; the city will then have \$4,000,000 for another improvement; if it assesses 80% of this cost likewise, it will have \$3,200,000 for a third improvement; after that improvement is likewise financed by special assessments, it will have \$2,560,000 for a fourth; then \$2,048,000 for a fifth, \$1,638,400 for a sixth, and so on; getting many times more improvements than it otherwise could. If the special assessment is higher, then the \$5,000,000 will go further; if lower, it will not go so far. The percentage of the assessment will probably vary with each improvement, but the city is bound to progress far more rapidly than it would, if the expenditure of the taxpayers' money were not permitted to reap the benefit in special improved values, which that expenditure creates.

The need of adequate laws, by which property, specially increased in value by a public improvement, shall be compelled to pay for it, has become better and better understood. Director Twining following the lead of transit legislation in New York and California, has urged the importance of such a provision in connection with the building of rapid transit lines.

It is obviously unfair to compel property owners in southeast Philadelphia to pay interest and sinking fund charges on loans for

rapid transit construction, when they will really get no practical benefit from them, while many landowners in other sections will be permanently enriched thereby.

Director Twining justly said:

"Shall the city, in return for the burden it assumes, receive a fraction of the financial profits which will result from these lines, or shall these benefits all flow toward the enrichment of a small number of suburban landowners and operators in real estate?"

Very truly yours,

ANDREW WRIGHT CRAWFORD,
Secretary, The City Parks Association,
Field Sec'y., The American Civic Association.

MEMORANDA AND BRIEFS No. 28.

PROPORTIONAL REPRESENTATION.

Harrisburg, February 9, 1920.

Mr. John A. Voll,
Commissioner.

Dear Sir: I understand you desire a brief on proportional representation and the reasons advanced in its support.

The subject of your inquiry may be discussed under the following heads:

- A. Alleged defects of the present system of electing representatives.
- B. The proportional system contrasted.
- C. The progress of proportional representation abroad and in this country.
- D. The Hare system of proportional representation as suggested for Pennsylvania.
- E. Results where the system is used.
- F. Advantages claimed for it.
- G. Its practicability.
- H. The bearing of the present constitution on proportional representation.
- I. Text of the constitutional changes suggested.

(A) ALLEGED DEFECTS OF THE PRESENT SYSTEM.

The present system of electing representatives by plurality or relative majority is believed by advocates of proportional representation to be gravely defective and indeed likely to thwart some of the fundamental objects which the founders of the commonwealth intended to carry out.

It is pointed out that in the state senatorial election of 1916, which covered only twenty-five districts of half the state, not less than 236,957 voters marked their ballots for candidates who were not elected. In half of the state, in other words, there were 236,957

voters who were "represented" in the Senate by men whom they did not want. In the remaining districts, which held senatorial elections, in 1918, the number of voters whose votes for senator were ineffective in the same way, was 207,555. This makes the total of ineffective votes for the present Senate (disregarding elections to fill vacancies) 444,512, or more than two-fifths of the votes cast. Advocates of proportional representation maintain that nearly all votes for members of legislative bodies can and should be made effective by helping to elect a member.

The present system of election, it is claimed, often results in grave unfairness to one or more parties. The senatorial elections just referred to furnish an example of this.

ELECTION OF THE PRESENT SENATE OF PENNSYLVANIA.

The figures in this table are for the senators actually holding office January, 1919 (including Senators Sproul and Beidleman, whose vacancies had not yet been filled). Vacancy elections occurring since January, 1919, have been disregarded.

TABLE.

PARTY.	Total vote for senators.	Senators elected.	Senators in pro- portion to vote.	Senators, more (+) or less (-), which the party should have.
Republican, -----	589,998	45 (six endorsed by Democrats)	30	-15
Democratic, -----	359,914	5	18	+13
Socialist, -----	33,167	0	1	+ 1
Prohibition, -----	26,311	0	1	+ 1
Washington, -----	14,873	0	0	
Totals, -----		50	50	

An example from our national elections is furnished by the congressional elections of 1912, in which the Progressive party, which cast 4,106,247 votes for President, about twenty-eight per cent of the total number cast, should, according to the principle of proportionality (assuming that its vote for congressmen was nearly as large as its vote for President, have elected more than a hundred members of the national House. In fact, however, the votes of the Progressives were so distributed among the districts that they elected only eighteen congressmen. If the same number of Progressive votes had happened to be distributed among the districts to the best possible advantage, the Progressive would have won a majority of the seats. It is pointed out that neither this result nor that which actually occurred seems fair, and that a system which makes such results possible seems an unstable basis for orderly progress in accordance with the will of the people.

The advocates of proportionate representation further show that the present system may result in the election of a majority of the legislative body by a minority of the voters. In fact, that is what usually happens. The reason why it is not noticed is because usually—not invariably—a majority of the voters agree with the ruling minority.

For example, twenty-six Republican members of the Pennsylvania Senate in office January, 1919, were elected by 350,308 out of a total vote for the whole state of 1,029,208. (These Senators were from districts 1-8, 10, 12-14, 16, 17, 19, 22, 23, 25, 26, 28, 30, 32-34, 37 and 38.) That is, 52% of the Senate was elected by less than 35% of the voters. If all the other voters, 678,900 in all, had voted the Democratic ticket, the Republicans would still have had a majority in the Senate.

Similarly a Democratic minority of 35% might some time win a majority of seats in the Senate. In fact, if certain Republican voters, numbering less than six per cent of the total number of voters in the state, had moved to Philadelphia and had helped to swell the Republican majorities there instead of voting elsewhere in the state, the Democrats would have a majority in the present state Senate.

Actual cases in which a minority party has captured a majority of the seats are not hard to find. In the Kansas congressional elections of 1916, for example, the Democrats polled fewer votes than the Republicans, but succeeded in electing five of the state's eight representatives.

Sometimes, it is true, such results may be partly due to the fact that more votes are cast in some districts than in others. But the possibility of such a result is inherent in the present system of electing representatives, even if there are the same number of voters in all the districts. Suppose that the Republicans have won in twenty-three of the fifty senatorial districts in Pennsylvania with an average majority in each district of 5,000, and that the Democrats have won in twenty-seven with an average majority of 100 in each. Then evidently the Democrats have won a majority of the seats in spite of having cast 112,300 fewer votes than the Republicans.

It is obvious that the chances of this kind of result are likely to be increased where more than two parties are contesting the seats, or where, as at primary elections, there are several contending factions within a party. Combining the possibilities in both elections it is possible for a small but compact minority of the electorate first to capture the nomination of a large party and then to win in the final election.

The advocates of proportional representation propose a system of voting which is calculated to eliminate what they believe to be the inequalities of the present system, and to make more effective the vote of every elector.

(B) THE PROPORTIONAL SYSTEM.

Proportional representation is a system of voting which enables every united group of voters to win a share of the seats in a representative body in proportion to the vote it polls.

The essential difference between the proportional system and the present system is merely a difference in the character of the constituency or quota which elects each member. Consider the two

systems, for example, in connection with the election of the state senate.

Under the present system the state is divided into fifty districts, equal in population as nearly as may be, and each of the districts elects one senator. This is just as "proportional" a system, arithmetically speaking, as the very different system which goes by that name, for each fiftieth of the population "elects," in a sense, one of the fifty senators. But the quota in this case, the fiftieth which elects a senator, is a quota of people who, though they live together, do not think together. Though they are united geographically inside of an imaginary line on the map, they are not united on any one man for senator. If, therefore, it is such a quota that must be represented by each senator, it is obvious that all the voters in each district who do not happen to agree with the largest organized group will not actually be represented.

Under the proportional system the state would be divided into a few much larger districts, each of which would elect several senators. And a system of voting would be used which would give every group of voters who desired the same man or men for the Senate their proportional share of those elected by the district. It is evident that this would work out in the election of each senator by about a fiftieth of the voters of the state who are united in wanting him as their representatives instead of by about a fiftieth who disagree but who happen to live within one of the present districts.

It is maintained by proportionalists that a unanimous-constituency or proportional system carries out the fundamental democratic principles intended as the basis of our state government by those who founded and developed it far better than does the present system of election, which was apparently adopted only because the proportional system was unfamiliar to them; that the purpose of these founders was to give to the electors an equal share in the election of the representative body, and that only the unanimous-constituency or proportional system can accomplish that purpose.

(C) THE PROGRESS OF PROPORTIONAL REPRESENTATION.

The proportional system of electing representatives is used in the following countries and communities:

List system.

(Provinces, cantons and municipalities using proportional representation omitted from this list.)

Servia (1888).

Belgium (1899).

Finland (1906).

Cuba (1908).

Sweden (1909).

Uruguay (1910).

Bulgaria (1911).

Portugal (Lisbon and Oporto—1911).

Costa Rica (1913).

Iceland (1916).

The Netherlands (1917).

Denmark (1918).

Switzerland (1918).

Germany (1918).
 Austria (1918).
 Armenia (1918).
 Czecho-Slovakia (1918).
 Poland (1919).
 Luxemburg (1919).
 Italy (1919).
 France (defective system 1919).

Hare system.

Tasmania (1896-Parliament, partial).
 Tasmania (1907-Parliament).
 South Africa (1909-Senate and some cities of the Transvaal).
 Transvaal (1914-cities).
 Ireland (1914-Senate and part of Commons, under "Parliament of Ireland Act").
 Ashtabula, Ohio (1915-elections in November, odd-numbered years).
 New Zealand (1915-Legislative Council; optional for cities).
 Sydney, Australia (1916).
 Durban, South Africa (1916).
 Calgary, Alberta (1916).
 Boulder, Colorado (1917).
 British Columbia (1917-optional for cities; since adopted by Vancouver, Victoria and others).
 Kalamazoo, Mich. (1918-elections in November, odd-numbered years).
 Great Britain (1918-eleven seats in Commons).
 Scotland (1918-school boards).
 Sligo, Ireland (1918).
 New South Wales (1918-legislative assembly).
 Ireland (1919-municipalities; elections in 126 held on January 15, 1920).

The first of these two groups use the so-called list system of proportional representation for parliamentary elections. It will be noticed that these are all non-English-speaking countries.

The second group, all of which are English-speaking, use the Hare system of proportional representation, which is intended not only to give the right number of seats to each party, but also to provide the means by which the voters of each party can exercise, without any primary elections, complete control over the selection of the candidates to fill the seats won by the party. It is also intended to give to independent voters, who wish to cross party lines, the means of making their ballots effective. It is on account of these additional features of the Hare system that it is preferred to the List system by the leading authorities in all English-speaking countries.

Advocates of proportional representation point to its rapid spread among the leading countries of the world as indicated by the dates in the above tables. Twelve countries have adopted it for parliamentary or other important public elections since July, 1919. In this country the proportional system has been adopted by popular vote in three small cities—Ashtabula, Ohio, Boulder, Colorado and Kalamazoo, Michigan. In Cleveland, Ohio, there is a considerable

agitation for its adoption. I am informed that experience shows that the great majority of our citizens are ready to support proportional representation as soon as it is explained to them.

The proportional system is generally supported by leading statesmen of all parties in those countries which have adopted it. In Great Britain, where it has not yet been adopted for general use in parliamentary elections, it is supported by many statesmen of different parties, including the following: the Archbishop of Canterbury, A. J. Balfour, H. H. Asquith, Viscount Bryce, the Marquis of Lansdowne, the Earl of Selborne, Lord Robert Cecil, Earl Loeburn, formerly Attorney General and Lord Chancellor, General Jan. C. Smuts, Sir Horace Plunkett, Viscount Milner, Sir John Simon, Lord Rhonda, Lord Astor, Philip Snowden, and Robert Smillie, president of the Miner's Federation of Great Britain.

In this country I am informed that the movement is supported by labor organizations and minority parties and by many students, including the directors of various municipal research bureaus, and most of the professors of political science. It has the support of the following well-known men and women:

William Dudley Foulke, ex-president, National Municipal League;
 Charles W. Eliot, LL.D.;
 Senator George W. Norris;
 John H. Finley, Commissioner of Education of New York state;
 Mrs. C. C. Catt, president, National American Woman Suffrage Association;
 Henry R. Seager, ex-president, American Economic Association;
 Moorfield Storey, ex-president, American Bar Association;
 Samuel Gompers;
 Duncan McDonald, president, Illinois State Federation of Labor;
 General E. H. Crowder;
 Judge Ben B. Lindsey;
 Charles P. Steinmetz;
 Alexander Graham Bell;
 George Eastman;
 Charles A. Beard, director of the Bureau of Municipal Research of New York;
 Frederick A. Cleveland, formerly director of the Bureau of Municipal Research of New York;
 Nelson S. Spencer, president of City Club of New York;
 Mrs. Raymond Robins, president of National Women's Trade Union League;
 James H. Maurer, president of the State Federation of Labor;
 John A. Phillips, its vice-president;
 Senator Robert L. Owen;
 Samuel McCune Lindsay, LL.D., ex-president of American Academy of Political and Social Science;
 George Burnham, Jr., of Philadelphia;
 Jeremiah W. Jenks, professor of Government, New York University;

Richard S. Childs, founder of the Short Ballot Organization;
Harold S. Bottenheim, editor-in-chief of the American City.

The National Municipal League at its last convention went on record in favor of proportional representation for state legislatures by unanimous vote.

In Pennsylvania the Central Labor Union of Philadelphia, the Permanent Legislative Committee of Nineteen, representing a conference of twenty labor organizations, the Socialist party and a number of other organizations are recorded as favorable to the system.

(D) THE HARE SYSTEM.

The organized supporters of proportional representation urge the Hare system of proportional representation for any constitutional convention that may be called and for at least one House of the legislature.

If the Hare system of proportional representation were prescribed for the House of Representatives, the state would be divided into districts larger than the present districts, which would elect several members each. I have annexed to this brief, as Exhibit "A," a suggested schedule for such districts, prepared by the American Proportional Representation League. The districts need not be equal in population, because to each district are assigned as many representatives as its population requires. It is considered advisable not to make the districts too large where the population is sparse.

Nominations might be made in the usual way, unless party names were not allowed to be used in connection with them, in which case nomination by petition, without primaries, is preferred by the sponsors of the system. Under the Hare system it is contended that the method of marking and counting the ballots brings together the votes of like-minded voters more effectively than our present primary elections—so as not only to elect the right number of each party's candidates, but so as to elect also the strongest candidates of each party, group or sufficient number of voters, whether organized or not. The omission of party names is suggested as suitable for the election of delegates to a constitutional convention and in certain municipal elections.

The ballot used for the election of representatives would be separate from that used for other purposes at the same election. Its form and the method of voting are shown below:

(Heading)

DIRECTIONS TO VOTERS.

Put the figure 1 opposite the name of your first choice. If you want to express also second, third and other choices, do so by putting the figure 2 opposite the name of your second choice, the figure 3 opposite the name of your third choice, and so on. In this way you may express as many choices as you please. *The more choices you express, the surer you are to make your ballot count for one of the candidates you favor.*

This ballot will not be counted for your second choice unless it is found that it cannot help your first; it will not be counted for your third choice unless it is found that it cannot help either your first or your second, etc.

A ballot is spoiled if the figure 1 is put opposite more than one name. If you spoil this ballot, tear it across once, return it to the election officer in charge of the ballots, and get another from him.

FOR THE HOUSE OF REPRESENTATIVES

John Allen, Elkins Park, Republican	
John Jones, Bryn Mawr, Labor Party	
James Brown, Bristol, Democrat	
Frank Green, Ardmore, Democrat	
Richard Roe, Doylestown, Republican	
William Hunt, Pottsville, Socialist	
Paul West, Narberth, Republican	
George Sims, Norristown, Democrat	
Thomas York, Quakertown, Republican	

At each voting precinct the ballots cast there are simply sorted according to first choices; then the first choices for each candidate are counted and made up into a package and all the packages are sent to the central counting place of the entire multi-member district. This presents no difficulties to the precinct election officials.

At the central counting place, to which all the ballots cast in the entire multi-member district are brought, the remaining operations of the count are carried out in accordance with certain rules prescribed by law. A copy of the rules recommended by the American

Proportional Representation League is on file in the Secretary's office.

The principles at the basis of the rules are very simple. Every voter's ballot actually counts for one and only one candidate, as it does when one member is elected in each district. And the candidate for whom a ballot counts is the one for whom the voter who marked it wants it to count (as shown by the preferences marked on it), considering how many ballots are found to be required to elect a candidate and how other voters have voted. For example, if five members are being elected in the district, it is evident that any candidate who is the first choice of more than a sixth of the voters of the district is elected; but if any candidate secures more than this number required to elect—the quota, as it is called—the surplus ballots over and above the number needed are passed on to other candidates, each one separately in accordance with the next choice marked on it, because that is the way to make effective the will of each of the voters who cast the surplus ballots. Of course, it might possibly make a difference which of a candidate's ballots are taken for transfer as the surplus. The rules must be drawn so as to take care of this situation. After the transfer of the surplus ballots of those candidates who received more than the quota of first choices, the weakest candidates are declared defeated one at a time and the ballots which are counting for them are transferred, each one separately in accordance with the preference marked on it, to the candidate most desired by the voter among those *who may be helped to election by his ballot*. In this way the ballots are finally sorted into as many piles as there are members to be elected from the district, each of these piles being made up of ballots representing voters sufficient in number to have a right to one member, and unanimous, considering all the circumstances, in the desire to have their ballots help elect the candidate whom in fact they do help elect. To express it all more briefly, the principle of the system is an attempt to condense all the voters of the district, of varying opinions and interests, into those whom they regard as their truest spokesmen.

It is contended that if the members elected from each of the several multi-member districts represent the district truly, the entire body elected by the state as a whole must represent the state as a whole truly.

Leaflets explaining the Hare system more fully are on file in the Secretary's office.

(E) RESULTS WHERE THE SYSTEM IS USED.

The advocates of the Hare system of proportional representation assert that where it has been used it has resulted in fairness to all political parties and groups of voters within parties; that it has kept in the legislative body the leaders regarded by the different elements as their strongest and most trustworthy spokesmen, and that it has tended to reduce the bitterness of differing parties and groups and to foster the spirit of co-operation for the public welfare.

I have annexed to this brief as Exhibit "B" statements in regard to the working of the system made by members of the communities which have adopted it. These statements have been furnished to me by the American Proportional Representation League.

(F) ADVANTAGES CLAIMED FOR THE SYSTEM.

Advocates of proportional representation claim for it the following advantages over the usual methods of election:

1. It insures majority rule, which the usual system fails to do.

2. It gives fair representation to all substantial minorities, including some which are entirely excluded from representation by the usual system.

3. It results in the election of the strongest and ablest spokesmen of various groups, many of whom would have no chance of election under the present system because of their inability to secure a plurality vote in the particular districts in which they happen to live.

4. It discourages political corruption by making it impossible to affect the result materially by the manipulation of a few votes.

5. It tends to eliminate "machine control" by making it possible for the voters of a party who disapprove of a machine candidate to nominate or vote for a rival member of the party without splitting the party vote and thereby delivering the seat to some other party. This means not that party organizations would go out of business or that they would no longer count, but only that they would have to conform more closely to the will of the rank and file of the voters. The Hare system actually brings about the popular control of parties which the direct primaries were intended to help in bringing about.

6. It tends to revive interest in political affairs on the part of large numbers of citizens who do not feel that they have the opportunity to elect satisfactory spokesmen under the present system.

7. It tends to preserve continuity in personnel and policies in legislative bodies, avoiding the sudden and complete overturns which often result from the change of a few votes under the usual system.

8. It tends to remove the danger of "direct action" on the part of minorities whom the present system deprives of all expression through political agencies, and, by giving every citizen a satisfactory representation, tends to develop a feeling of co-operation among all groups. Differences remain, but the bitterness caused by injustice and exclusion is removed.

9. It tends to increase the authority of the government. Citizens will be inclined to obey, and will not want to overthrow, a government in whose legislative deliberations they all share.

10. The republican form of government by representative legislatures can be perpetuated only if a system is adopted which will make the legislatures truly representative of all the differences in political thought in the commonwealth. The political complexion of the legislatures must not depend on the accidents of the geographic distribution of the electors. Proportional representation is the only effective answer to those who insist on the initiative and referendum.

In connection with these claims there has been brought to my attention a letter of February 1, 1919, from the Earl of Selborne to the London Times, as follows:

The last House of Commons rejected proportional representation in the franchise bill. It is important, I think, that the result should be noted, and what an intimate effect it has had on the industrial problem. At the last general election the Labour party polled in contested seats in Great Britain 2,292,102 votes. This poll entitled them to 120 seats in Great Britain in respect of the contested constituencies alone, but the total number of seats they obtained in contested and uncontested constituencies was 47 (evidently a misprint, the number being 59). The result is that the Labour party know that they are not fairly represented in the House of Commons, any many of their leaders, whose presence they consider essential to the proper consideration of their business, have failed to obtain seats in the House of Commons. The consequence is that they look less and less to the House of Commons as the place where the questions which interest them can be properly considered and dealt with, and that there is an ever-increasing tendency to deal with these questions outside of Parliament. As the questions at issue are no longer only concerned with wages and conditions of employment, but are strictly political questions, such as whether an industry should be nationalized, and whether it is possible in a civilized country for two governments to exist side by side, the one representing the whole community, and the other a section of the community, this fact is fraught with danger.

At the next general election nothing is more probable than that the Unionist party will poll a sufficient number of votes to entitle them to a representation of 200 or more, but that the number of Unionist members returned will be under 100. *Per contra*, the Labour party may receive gross over-representation; but that will be no remedy for past injustice; it will only be an aggravation of the evil.

The following statement by former Mayor C. M. Fassett, of Spokane, Washington, in regard to the industrial troubles which are particularly acute in that part of the country, is also of interest:

Just now the labor element is divided and its separated groups are politically ineffective as minorities; but they are beginning to find themselves, and when they realize their power in united action, there will be a bitter repentance on the part of those elements now in political control that proportional representation has not been generally adopted.

(G) THE PRACTICABILITY OF THE SYSTEM.

The objection is sometimes raised that the method of marking a Hare ballot might prove confusing to the voters. I am informed that this is not generally the case. In the Tasmanian provincial elections of May, 1919, there were less invalid ballots under the Hare system than there were in the preceding commonwealth elections in Tasmania under the old system. In Dublin, Ireland, at the first Hare election on January 15, 1920, the ballots invalid from all causes, some

of which had nothing to do with the new system of voting, numbered slightly more than two per cent of the whole vote.

A dispatch of January 19th to the Philadelphia Evening Bulletin in regard to the municipal elections held throughout Ireland on January 15th, bears testimony to the practicability of the system from the voters' point of view. It says in part:

Proportional representation * * * has triumphed.
 * * * Many thought the system would be too complicated for the average voter. There was also a feeling that there was a catch in it somewhere devised by the reactionaries to defeat the popular will. As a matter of fact, the voters found no difficulty in filling up their papers to indicate their preferences nor did any catch develop.

Advocates of proportional representation claim that it makes voting easier rather than harder, because the voter does not have to consider the chances of election of any particular candidate, and simply votes his real order of preference, knowing that he is in no danger of throwing his vote away by so doing.

The fear is sometimes expressed that the number of operations involved in the final count make the Hare system impracticable, either on account of the danger of manipulation on the part of the election officials at the central counting place or on account of the difficulty of handling large numbers of ballots. Experience appears to show, however, that there is little cause for fear on either of these grounds.

The danger of manipulation of votes is said to have no support from experience and to be in fact reduced by the Hare system, because each step in the process acts as a partial check on those that have gone before. It would be very difficult for an election official in the presence of watchers to handle a ballot incorrectly and at the same time to make sure that his manipulation did not come to light later on.

The difficulty of handling large numbers of ballots under the Hare system appears to be much less than is usually supposed. In Glasgow, Scotland, last April, 124,000 votes were counted under the Hare system in one day under the supervision of one returning officer. The arrangements made would have sufficed to count a very much larger number of votes. All the school boards in Scotland were elected by the Hare system at the same time without difficulty.

Tasmania has found the Hare system practicable—even in a form more complicated than that used in England or America. It has used the system for all its state parliamentary elections since 1907.

Mr. J. McCarthy, returning officer at the first proportional election of the council of Sligo, Ireland, bears testimony to the practicability of the Hare system in the following statement:

The experiment of applying the single transferable vote to the municipal elections in Sligo has shown:

1. That voters had no difficulty in grasping what they had to do.
2. In the past, owing to lack of interest on the part of a large number of the electors, the polls were small. In the present instance nearly 80 per cent of the total register polled.

3. The count is not perceptibly longer than the old method in point of time where 16 candidates are contesting 8 seats.

4. At the count neither the candidates nor their agents had any trouble in following the various steps although it was their first experience of the system. The difficulty of the count appears much more formidable on paper than in actual practice. A systematic method eliminates the alleged difficulties.

5. So far as these elections are concerned the results have succeeded in making good the claims of the advocates of the system. The rights of majorities were preserved and at the same time representation given to minorities. The various parties got representation in a proportion wonderfully near to their voting strength.

6. The system is a practical one and the results of the election have been received with general satisfaction.

Of the operation of the system in Ireland on January 15th, 1920, the Irish Times (Unionist) says editorially in its issue of January 19: "The Irish elections, which the British public and press have followed with keen interest, *established all the virtues that were claimed for this scientific method* of feeling the popular pulse. In the first place, *the mechanism has worked without a hitch.*"

(H) BEARING OF THE PRESENT CONSTITUTION OF PROPORTIONAL REPRESENTATION.

Article II, section 2. " * * * Whenever a vacancy shall occur in either House the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term."

Under a proportional representation system such a provision can be made unnecessary. Vacancies can be filled by another count of the ballots, all of which are preserved until the next election.

Article II, section 16. This section provides for the division of the state into fifty senatorial districts and for the election of one senator from each district.

This, of course, makes a system of proportional representation impossible so far as the election of senators is concerned, since under that system it is necessary that several persons should be elected in each district.

Article II, section 17. This section provides for the election of representatives and forbids the apportionment of more than four to any one district. Each county is assured at least one representative. The larger counties and cities must be divided into districts.

This makes proportional representation possible where a district is entitled to three or four representatives. Only certain parts of the state, however, could under the present Constitution be divided into such districts.

Article II, section 18. This directs the general assembly to apportion the state into senatorial and representative districts in accordance with the two preceding sections.

Article V, section 11. This section operates, practically, to limit the number of justices of the peace in any one district to two.

Article V, section 12. This provides for one magistrate in Philadelphia for every 30,000 inhabitants, to be elected on general ticket, with a provision for minority representation.

The consequent number of magistrates is sufficient to allow the proportional representation system full play, if it were not precluded by the terms of the section setting forth the manner of election.

Article VIII, section 7. "All laws regulatng the holding of elections by the citizens * * * shall be uniform throughout the state."

It seems doubtful whether the general assembly could, in view of this section, provide for elections by proportional representation in cities only. In the absence of judicial construction, it can be argued that such a system would have to be extended to every election, whether state, county, city, township, borough, school district or poor district, in which enough persons were to be elected to afford any opportunity for its operation.

Under our present Constitution, then, a system of proportional representation is impossible as applied to the election of state senators, impossible of general application as applied to the election of representatives, and of doubtful validity as applied to local elections.

(1) CONSTITUTIONAL CHANGES SUGGESTED.

If it were desired to prescribe proportional representation for the general assembly, the following amendments would serve the purpose:

- (a) Article II, section 2. Strike out the last sentence and substitute the following:

The general assembly shall provide by law for the filling of vacancies in either house.

- (b) Amend article II, section 16, to read as follows:

The state shall be divided into not more than ten senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to one senator for each ratio, and to an additional senator for a surplus of population exceeding three-fifths of a ratio. No city or county shall be entitled to be represented by more than one-sixth of the whole number of senators. The senatorial ratio shall be ascertained by dividing the whole population of the state by the number fifty.

- (c) Amend article II, section 17, to read as follows:

The state shall be divided into not more than thirty representative districts of compact and contiguous territory. No district shall be created containing less than three two-hundredths of the population of the state as ascertained by the most recent United States census. The members of the House of Representatives shall be apportioned among the several representative districts on a ratio obtained by dividing the population of the state as ascertained by the most recent United States census by two hundred. Each representative district shall be entitled to one representative for each full ratio of its population and to an additional representative for a surplus of population exceeding three-fifths of a ratio.

Note.—The numbers in this section are suggestive only. For other suggested numbers see Exhibit "A."

(d) To article VIII, section 4, add the following:—

All elections of members of the general assembly shall be conducted by a system of proportional representation which shall guarantee to each united group of voters in each district a representation as nearly as possible in proportion to its voting strength in that district.

If it be desired to insure the right of the general assembly to provide a system of elections by proportional representation for cities or other political sub-division of a given class or classes, the following amendment would serve the purpose:

Amend article VIII, section 7, by adding the following:

“And the general assembly may prescribe elections by proportional representation for all cities or other political subdivisions of a given class or classes.”

Very truly yours,

WM. DRAPER LEWIS,
Secretary.

EXHIBIT "A."

SUGGESTED SCHEDULE FOR ELECTION OF PENNSYLVANIA HOUSE OF REPRESENTATIVES OR A CONSTITUTIONAL CONVENTION BY PROPORTIONAL REPRESENTATION.

Congres- sional Districts.	Counties.	Population (Census of 1910).	Not apportioned on the basis of one for each two hundredth, as suggested in (I). Representatives.
1	Philadelphia (part), -----	274,960	5
2 & 4	Philadelphia (part), -----	392,140	8
3	Philadelphia (part), -----	251,826	5
5	Philadelphia (part), -----	252,893	5
6	Philadelphia (part), -----	377,189	7
7 & 9	Chester, Delaware, Lan- caster, -----	394,148	8
8	Bucks, Montgomery, -----	246,120	5
10	Lackawanna, -----	259,570	5
11	Luzerne, -----	343,186	7
12 & 16	Schuylkill, Columbia, Mon- tour, Northumberland, Sullivan, -----	393,942	8
13	Berks, Lehigh, -----	302,045	6
14 & 26	Bradford, Susquehanna, Wayne, Wyoming, Car- bon, Monroe, Northamp- ton, Pike, -----	348,504	7
15 & 21	Clinton, Lycoming, Pot- ter, Tioga, Cameron, Centre, Clearfield, Mc- Kean, -----	377,620	7
17 & 20	Franklin, Fulton, Hun- tingdon, Juniata, Mif- flin, Perry, Snyder, Adams, York, -----	378,489	8
18	Cumberland, Dauphin, Lebanon, -----	250,196	5
19	Bedford, Blair, Cambria,--	313,866	6
	Butler, Westmoreland, ----	303,933	6
23	Fayette, Greene, Somerset,	264,048	5
24	Beaver, Lawrence, Wash- ington, -----	292,065	6
25 & 28	Crawford, Erie, Elk, For- est, Mercer, Venango, Warren, -----	396,019	8
27	Armstrong, Clarion, Indi- ana, Jefferson, -----	233,818	4
29	Allegheny (part), -----	236,012	4

SUGGESTED SCHEDULE FOR ELECTION OF PENNSYLVANIA HOUSE OF REPRESENTATIVES, ETC.—Continued.

Congressional Districts.	Counties.	Population (Census of 1910).	Not apportioned on the basis of one for each two hundredth, as suggested in (I). Representatives.
30	Allegheny (part), -----	278,397	5
31	Allegheny (part), -----	204,489	4
32	Allegheny (part), -----	299,565	6
	Total, -----	7,665,111	

No. of 4 member districts, -----	3
No. of 5 member district, -----	8
No. of 6 member district, -----	5
No. of 7 member districts, -----	4
No. of 8 member districts, -----	5
	<u>25</u>
	===

EXHIBIT "B."

STATEMENTS FROM COMMITTEES USING PROPORTIONAL REPRESENTATION.

Mr. P. C. Remick, a leading business man of Ashtabula, and for three terms president of the Ashtabula Chamber of Commerce, who publicly opposed the adoption of proportional representation:

* * * We are well pleased with the result. The count of the votes has been easily made and without complication. The result has been a representative council. It has entirely eliminated party politics (the municipal ballot is non-partisan) and control of city affairs by any ring or clique. It gives all groups of voters representation, and after organization in the council they have worked in the utmost harmony.

* * * Ashtabula is well pleased with the charter * * * and would not go back to the old order under any consideration.

Mr. R. H. Pfaff, president and manager of the Ashtabula Bow and Socket Company and former mayor of Ashtabula:

Not the least of the improvements made by the charter is the abolishing of ward lines in the elections and the election of a council truly representative in character by the method known as the Hare system of proportional representation.

Mr. W. E. Werner, superintendent of schools in the Harbor district, and representative from Ashtabula county in the legislature:

It is a privilege to say a word in regard to the city charter of Ashtabula and its successful working.

The simplification of municipal business, the definite placing of responsibility, the speeding up of movements necessary to the good of city government, the practical elimination of politics through the working of the Hare or proportional election system—these and many other features bear witness to the effectiveness of our charter.

Mr. H. W. Leuth, former president and now secretary of the Ashtabula Chamber of Commerce, a former opponent of proportional representation:

The city of Ashtabula has for several years past been operating under a charter and electing a council by the proportional representation method. The result of that experience has demonstrated that this method of election places in the council men representing the larger groups in the city and eliminates many of the abuses that were observed under the old ward plan.

Mr. Raymond Moley, director the Cleveland Foundation, formerly professor of political science, Western Reserve University:

There are no life or death struggles for supremacy in the politics of Ashtabula. Proportional representation has ended the division of the voters into two hostile camps through the drawing of artificially created party lines. Minority groups, if their strength aggregates one-seventh of the votes, can secure representation. If a party should appear which actually amounted to a majority, it would elect a majority of the commissioners. But it could not prevent the election of candidates of the opposition.

The experience with proportional representation in Kalamazoo, where two elections of the commission have now been held under the Hare system, is clearly favorable. The following opinions will be of interest.

Professor Augustus R. Hatton, of Western Reserve University, field director of the National Short Ballot Organization, writes, after careful personal investigation, in regard to the first proportional election in Kalamazoo, which was held in November, 1917:

One prominent citizen denounced P. R. as an "un-American" system and declared that if Talbot (a Socialist with a considerable following) should be elected immediate steps would be taken to eliminate proportional representation. In the course of his remarks he indicated seven men, the selection of whom would, in his opinion, give the city the most representative council that could be chosen from the twenty-three candidates. The day after the election, his animus against the system seemed to be considerably less when he discovered that that (although Talbot had been successful) six of the seven men whom he had indicated had been elected * * *. It becomes more and more evident that each of the various elements of the community feels that it has an official spokesman in the commission. The stabilizing effect which this quiet confidence engenders is already manifest. As a result, many formerly doubtful citizens have changed their minds concerning the system of election.

Harry H. Freeman, the present city manager of Kalamazoo, describes thus the results of the same election.

The commission has worked in perfect harmony and those who were confident that Mr. Talbot would be the "ever-present" Objector are aghast at the change. His paper has become a sort of semi-official mouthpiece for the new government, explaining and defending the increase in taxes * * *.

Previous to the election one of our most prominent citizens, a man of considerable influence in the community was quite emphatic in his objection to the proportional representation system. A week after the election he expressed himself as follows: "I say to you frankly and honestly that I have changed my mind about proportional representation and the election. I think now it is a fine thing to have those men in there and if I had (the opportunity) to vote to-day for proportional representation, I would do it without hesitation."

In July, 1919, Manager Freeman wrote in regard to a rumor that he was advising other cities against adopting proportional representation:

If I remember rightly I did say a few things about how well the system has worked out here. I cannot possibly imagine how anyone could conceive about my being less enthusiastic about it today than I was three years ago. I have talked it in a great many places.

The annual report of the city of Kalamazoo for the year April, 1918-April, 1919, contains the following statement:

The commission has justified one of the greatest claims for the new form of government; namely, that the machinery of government is simplified to the point where able men who desire to give best service to the public do so with the assurance that their efforts will produce results.

Perhaps the most striking results of the Hare system are those exhibited in Ireland, where the Hare system was used in January, 1919, for the election of the council of the city of Sligo, and thereafter, as a result of the Sligo experience, prescribed by the British Parliament for all Irish local elections.

Following the Sligo election the Sligo Champion (Sinn Fein) endorsed the system as follows:

The system has justified its adoption. We saw it work; we saw its simplicity; we saw its unerring honesty to the voter all through; and we saw the result in the final count; and we join in the general expression of those who followed it with an intelligent interest. It is as easy as the old way; it is a big improvement and it is absolutely fair.

On the same day the Sligo Independent (Unionist) made the following statement:

Sligo has the honour of being the first municipality in Ireland to adopt the principle, and everyone agrees that it was a great success.

When, as a result of this agreement, the Hare system had been prescribed for all Irish municipal elections, prominent members of all Irish parties assisted in the campaign of education for the first elections in January. On January 15, 1920, 126 Irish municipalities, including the large cities, elected their councils by the Hare system with complete success. The Philadelphia Public Ledger of January 23rd comments thus editorially on the result:

There is one deeply significant aspect of the Irish municipal election results to which sufficient attention has not been given, either in the cable dispatches reporting them or in the attempts to interpret those results. These particular elections were the first conducted there and on a large scale under the

proportional representation plan. And although the system was put into effect without any initial outlay (by the government) for the education of the people in its operation, it is evident that it has fulfilled every expectation of its friends and advocates. The dispatches comment on the fact that the results show "neither southern Ireland to be solid Sinn Fein nor northern Ireland solid Unionist." But this is precisely what might have been expected under a plan by which minorities are not totally submerged by the majority vote, but are given representatives in proportion to their voting strength. This ought to work for better government, a more contented people.

A few more demonstrations like this should break down the barriers of prejudice against "P. R." (the short name for the system commonly used by its advocates) and insure for it a respectful hearing by legislatures and constitution-revisers in this country. The plan is based upon justice and sound reason. The results speak for themselves wherever it has been adopted. But the ungrounded fear of complexities that exist only in imagination have thus far tended to close men's ears to arguments in its behalf. So far as the voter is concerned, voting under proportional representation is actually simpler than by the existing ballot; and whatever skill is called for in the computation of results is supplied not by division or precinct election officers, but by boards trained for the work and appointed because of their fitness.



CONSTITUTION
OF 1873



CONSTITUTION OF 1873

The Constitution of 1873 was adopted by a constitutional convention November 3, 1873. This convention was called pursuant to the act of April 11, 1872, P. L. 53, and was the immediate result of an era of special and local legislation. The act calling the convention provided that the Bill of Rights was not to be changed. However, the convention exceeded its authority and proposed several alterations. The Constitution was ratified at a special election held December 16, 1873, and went into effect January 1, 1874. This Constitution was amended November 5, 1901; November 2, 1909; November 7, 1911; November 4, 1913, and November 2, 1915, which amendments have been incorporated in their appropriate places in the Constitution.



CONSTITUTION
OF THE
COMMONWEALTH OF PENNSYLVANIA, 1873.
PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.
DECLARATION OF RIGHTS.

Liberty and Free Government.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that—

Natural Rights of Mankind.

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Corresponding provisions of prior Constitutions :
Constitution of 1776, Dec. of Right, cl. I.
Constitution of 1790, art. IX, sec. 1 (verbatim).
Constitution of 1838, art. IX, sec. 1 (verbatim).

Power of People.

Section 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or bolish their government in such manner as they may think proper.

Corresponding provisions of prior Constitutions :
Constitution of 1776, Dec. of Rights, cl. V.
Constitution of 1790, art. IX, sec. 2.
Constitution of 1838, art. IX, sec. 2.

Rights of Conscience.—Freedom of Religious Worship.

Section 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences ; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent ;

no human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, cl. II.

Constitution of 1790, art. IX, sec. 3 (verbatim).

Constitution of 1838, art. IX, sec. 3 (verbatim).

No Disqualification for Religious Belief.

Section 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, cl. II.

Constitution of 1790, art. IX, sec. 4 (verbatim).

Constitution of 1838, art. IX, sec. 4 (verbatim).

Freedom of Elections.

Section 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, cl. VII.

Constitution of 1790, art. IX, sec. 5.

Constitution of 1838, art. IX, sec. 5.

Trial by Jury.

Section 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, cl. XI.

sec. 25.

Constitution of 1790, art. IX, sec. 6 (verbatim).

Constitution of 1838, art. IX, sec. 6 (verbatim).

Freedom of the Press.—Libel.

Section 7. The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the

jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Corresponding provisions of prior Constitutions:
Constitution of 1776, Dec. of Rights, cl. XII.
sec. 35.
Constitution of 1790, art. IX, sec. 7.
Constitution of 1838, art. IX, sec. 7.

Searches and Seizures.

Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Corresponding provisions of prior Constitutions:
Constitution of 1776, Dec. of Rights, cl. X.
Constitution of 1790, art. XI, sec. 8.
Constitution of 1838, art. IX, sec. 9 (verbatim).

Rights of Accused in Criminal Prosecutions.

Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Corresponding provisions of prior Constitutions:
Constitution of 1776, Dec. of Rights, cl. IX.
Constitution of 1790, art. IX, sec. 9 (verbatim).
Constitution of 1838, art. IX, sec. 9 (verbatim).

Criminal Information.—Twice in Jeopardy.—Eminent Domain.

Section 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Corresponding provisions of prior Constitutions:
Constitution of 1776, Dec. of Rights, cl. VIII.
Constitution of 1790, art. IX, sec. 10.
Constitution of 1838, art. IX, sec. 10.

Courts to Be Open.—Suits Against Commonwealth.

Section 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without

sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts and in such cases as the legislature may by law direct.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. IX, sec. 11 (verbatim).

Constitution of 1838, art. IX, sec. 11 (verbatim).

Power of Suspending Laws.

Section 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. IX, sec. 12.

Constitution of 1838, art. IX, sec. 12.

Bail.—Fines.—Punishments.

Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 29.

Constitution of 1790, art. IX, sec. 13 (verbatim).

Constitution of 1838, art. IX, sec. 13 (verbatim).

Prisoners to Be Bailable.—Habeas Corpus.

Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 28.

Constitution of 1790, art. IX, sec. 14 (verbatim).

Constitution of 1838, art. IX, sec. 14 (verbatim).

Oyer and Terminer.

Section 15. No commission of oyer and terminer or jail delivery shall be issued.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. IX, sec. 15 (verbatim).

Constitution of 1838, art. IX, sec. 15 (verbatim).

Insolvent Debtors.

Section 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 28.

Constitution of 1790, art. IX, sec. 16 (verbatim).

Constitution of 1838, art IX, sec. 16 (verbatim).

Ex Post Facto Laws.—Impairment of Contracts.

Section 17. No ex post facto law, nor any law impairing the obligation of contracts or making irrevocable any grant of special privileges or immunities, shall be passed.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. IX, sec. 17.

Constitution of 1838, art. IX, sec. 17.

Attainder.

Section 18. No person shall be attainted of treason or felony by the legislature.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. IX, sec. 18 (verbatim).

Constitution of 1838, art. IX, sec. 18 (verbatim).

Attainder Limited.—Estates of Suicides.—Deodands.

Section 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. IX, sec. 19 (verbatim).

Constitution of 1838, art. IX, sec. 19 (verbatim).

Right of Petition.

Section 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, cl. XVI.

Constitution of 1790, art. IX, sec. 20 (verbatim).

Constitution of 1838, art. IX, sec. 20 (verbatim).

Right to Bear Arms.

Section 21. The right of the citizens to bear arms in defense of themselves and the state shall not be questioned.

Corresponding provisions of prior Constitutions:

Constitution of 1776, Dec. of Rights, cl. XIII.

Constitution of 1790, art. IX, sec. 21 (verbatim).

Constitution of 1838, art. IX, sec. 21 (verbatim).

Standing Army.—Military Power Subordinate to Civil.

Section 22. No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Corresponding provisions of prior Constitutions:
Constitution of 1776, Dec. of Rights, cl. XIII.
Constitution of 1790, art. IX, sec. 22 (verbatim).
Constitution of 1838, art. IX, sec. 23 (verbatim).

Quartering of Troops.

Section 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Corresponding provisions of prior Constitutions:
Constitution of 1790, art. IX, sec. 23 (verbatim).
Constitution of 1838, art. IX, sec. 23 (verbatim).

Titles.—Offices.

Section 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Corresponding provisions of prior Constitutions:
Constitution of 1790, art. IX, sec. 24.
Constitution of 1838, art. IX, sec. 24.

Emigration.

Section 25. Emigration from the state shall not be prohibited.

Corresponding provisions of prior Constitutions:
Constitution of 1776, Dec. of Rights, cl. XV.
Constitution of 1790, art. IX, sec. 25 (verbatim).
Constitution of 1838, art. IX, sec. 25 (verbatim).

Reservation of Powers in People.

Section 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

Corresponding provisions of prior Constitutions:
Constitution of 1790, art. IX, sec. 26 (verbatim)..
Constitution of 1838, art. IX, sec. 26 (verbatim).

ARTICLE II.

THE LEGISLATURE.

Legislative Power.

Section 1. The legislative power of this commonwealth shall be vested in a general assembly which shall consist of a Senate and a House of Representatives.

Corresponding provisions of prior Constitutions:
Constitution of 1776, sec. 2.
Constitution of 1790, art. I, sec. 1 (verbatim).
Constitution of 1838, art. I, sec. 1 (verbatim).

Election of Members.—Vacancies.

Section 2. Members of the general assembly shall be chosen at the general election every second year. Their term of service shall begin

on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 9.
Constitution of 1790, art. I, secs. 2, 5, 19.
Constitution of 1838, art. I, secs. 2, 5, 20.

Terms of Members.

Section 3. Senators shall be elected for the term of four years and representatives for the term of two years.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 9.
Constitution of 1790, art. I, secs. 2, 5.
Constitution of 1838, art. I, secs. 2, 5.

Sessions.—United States Senators.

Section 4. The general assembly shall meet at twelve o'clock noon on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 9.
Constitution of 1790, art. I, sec. 10.
Constitution of 1838, art. I, sec. 10.

Qualifications of Members.

Section 5. Senators shall be at least twenty-five years of age and representatives twenty-one years of age. They shall have been citizens and inhabitants of the state four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of service.

Corresponding provisions of prior Constitutions:

Constitution of 1776, secs. 7, 8.
Constitution of 1790, art. I, secs. 3, 8.
Constitution of 1838, art. I, secs. 3, 8.

Disqualification to Hold Other Office.

Section 6. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this commonwealth shall be a member of either House during his continuance in office.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sect. 7.
Constitution of 1790, art. I, sec. 18.
Constitution of 1838, art. I, sec. 19.
art. VI, sec. 8.

Certain Crimes to Disqualify.

Section 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime shall be eligible to the general assembly, or capable of holding any office of trust or profit in this commonwealth..

Compensation.

Section 8. The members of the general assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. I, sec. 17.

Constitution of 1838, art. I, sec. 18.

Presiding Officers.—Other Officers.—Election and Qualification of Members.

Section 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 9.

Constitution of 1790, art. I, secs. 11, 12.

Constitution of 1838, art. I, secs. 11, 12.

Quorum.

Section 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 10.

Constitution of 1790, art. I, sec. 12.

Constitution of 1838, art. I, sec. 12.

Powers of Each Branch.—Expulsion.

Section 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A

member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 9.

Constitution of 1790, art. I, sec. 13.

Constitution of 1838, art. I, sec. 13.

Journals.—Yeas and Nays.

Section 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 14.

Constitution of 1790, art. I, sec. 14.

Constitution of 1838, art. I, sec. 15.

Sessions.

Section 13. The sessions of each House and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 13.

Constitution of 1790, art. I, sec. 15.

Constitution of 1838, art. I, sec. 16.

Adjournment.

Section 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. I, sec. 16 (verbatim).

Constitution of 1838, art. I, sec. 17 (verbatim).

Privileges of Members.

Section 15. The members of the general assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. I, sec. 17.

Constitution of 1838, art. I, sec. 18.

Senatorial Districts.—Ratio.

Section 16. The state shall be divided into fifty senatorial districts of compact and contiguous territory as nearly in population as may be, and each district shall be entitled to elect one senator. Each county containing one or more ratios of population shall be entitled

to one senator for each ratio, and to an additional senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more senators, when such county may be assigned a senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the state by the number fifty.

Corresponding provisions of prior Constitutions:

Constitution 1790, art. I, secs. 6, 7.

Constitution of 1838, art. I, secs. 6, 7.

Representative Districts.

Section 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the state as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio; and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 17.

Constitution of 1790, art. I, sec. 4.

Constitution of 1838, art. I, sec. 4.

Legislative Apportionment.

Section 18. The general assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the state into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 17.

Constitution of 1790, art. I, secs. 4, 6, 7.

Constitution of 1838, art. I, secs. 4, 6, 7.

ARTICLE III.

LEGISLATION.

Passage of Bills.—Change of Purpose.

Section 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Reference to Committee.—Printing.

Section 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Subject of Bills.—Titles.

Section 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Corresponding provisions of prior Constitutions:

Constitution of 1883, art XI, sec 8 (amendment of 1864).

Three Readings.—Amendments.—Final Vote.

Section 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 15.

Concurring in Amendments.—Conference Committee Reports.

Section 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Revival and Amendment of Laws.

Section 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Special and Local Legislation Limited.

Section 7. The general assembly shall not pass any local or special law:

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards, or public grounds not of the state:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the general assembly indirectly enact such special or

local law by the partial repeal of a general law ; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Corresponding provisions of prior Constitutions :

Constitution of 1838, art. I, sec. 14.

art. XI, sec. 9 (amendment of 1864).

Notice of Local and Special Bills.

Section 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the general assembly of such bill and in the manner to be provided by law ; the evidence of such notice having been published, shall be exhibited in the general assembly, before such act shall be passed.

Signing of Bills by Presiding Officers.

Section 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the general assembly, after their titles have been publicly read immediately before signing ; and the fact of signing shall be entered on the journal.

Officers and Employes.—Payments.

Section 10. The general assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the state treasury, or be in any way authorized, to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Extra Compensation Prohibited.—Claims Against the State.

Section 11. No bill shall be passed giving any extra compensation to any public officer, servant, employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the commonwealth without previous authority of law.

Public Printing and Supplies.

Section 12. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the general assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law ; no member or officer of any department of the government

shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

Extension of Terms and Increase or Diminishment of Compensation Prohibited.

Section 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

Revenue Bills.

Section 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. I, sec. 20 (verbatim).

Constitution of 1838, art. I, sec. 21 (verbatim).

Appropriation Bills.

Section 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Paying out Public Moneys.

Section 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant by the proper officer in pursuance thereof.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. I, sec. 21.

Constitution of 1838, art. I, sec. 22.

Appropriations to Charitable and Educational Institutions.

Section 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the state, except by a vote of two-thirds of all the members elected to each House.

Certain Appropriations Forbidden.

Section 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

Appropriations for Support of Widows and Orphans of Soldiers.

Section 19. The general assembly may make appropriation of money to institutions wherein the widows of soldiers are supported

or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

Special Municipal Commissions Prohibited.

Section 20. The general assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Employers' Liability.—Workmen's Compensation.—Damages for Injuries to Persons or Property.

Section 21. The general assembly may enact laws requiring the payment by employers, or employers and employes jointly, of reasonable compensation for injuries to employes arising in the course of their employment, and for occupational diseases of employes, whether or not such injuries or diseases result in death, and regardless of fault of employer or employe, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the general assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided. (Amendment of November 2, 1915.)

Section 21 of article III of this Constitution originally read as follows: Section 21. No act of the general assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in the case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Investment of Trust Funds.

Section 22. No act of the general assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

Change of Venue.

Section 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Corporate Obligations Owned by State.

Section 24. No obligation or liability of any railroad or other corporation, held or owned by the commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the general assembly, nor shall such liability or obligation be released, except by payment thereof into the state treasury.

Legislation During Special Session.

Section 25. When the general assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Concurrent Resolutions, &c., to Be Presented to Executive.

Section 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Corresponding provisions of prior Constitutions:
Constitution of 1790, art. 1, sec. 23 (verbatim).
Constitution of 1838, art. I, sec 24 (verbatim).

State Inspection of Merchandise Prohibited.

Section 27. No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Change of Location of State Capital.

Section 28. No law changing the location of the capital of the state shall be valid until the same shall have been submitted to the qualified electors of the commonwealth at a general election and ratified and approved by them.

Bribery of Members of Legislature.

Section 29. A member of the general assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty

of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Giving of Bribes.

Section 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the general assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Corrupt Solicitation.

Section 31. The offense of corrupt solicitation of members of the general assembly or of public officers of the state or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Investigation of Bribery or Corrupt Solicitation.—Compulsory Testimony.—Disqualification as Punishment.

Section 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this commonwealth.

Member Interested in Bill Not to Vote.

Section 33. A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

Executive Department.

Section 1. The executive department of this commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

Governor.—Election.—Returns.—Contested Election.

Section 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the commonwealth, at the places where they shall vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the president of the Senate, who shall open and publish them in the presence of the members of both Houses of the general assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 3.

Constitution of 1790, art. II, secs. 1, 2, 13.

Constitution of 1838, art. II, secs. 1, 2, 13.

Governor's Term.

Section 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 3.

Constitution of 1838, art. II, sec. 3.

Lieutenant Governor.

Section 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be president of the Senate, but shall have no vote unless they be equally divided.

Qualifications of Governor and Lieutenant Governor.

Section 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the state, unless he shall have been absent on the public business of the United States or of this state.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 4.

Constitution of 1838, art. II, sec. 4.

Disqualifications.

Section 6. No member of Congress or person holding any office under the United States or this state shall exercise the office of Governor or Lieutenant Governor.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 5.

Constitution of 1838, art. II, sec. 5.

Military Commander.

Section 7. The Governor shall be commander-in-chief of the army and navy of the commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 20.

Constitution of 1790, art. II, sec. 7.

Constitution of 1838, art. II, sec. 7.

Appointing Power of Governor.—Vacancies.—Confirmation by Senate.

Section 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal. (Amendment of November 2, 1909.)

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 15.

Constitution of 1838, art. II, sec. 8.

Section 8 of article IV of this Constitution originally read as follows: Section 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secre-

tary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election of said office shall be held at the second succeeding general election. In acting on executive nominations the Senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

Pardoning Power.

Section 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment: but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 20.

Constitution of 1790, art. II, sec. 9.

Constitution of 1838, art. II, sec. 9.

Information from Department Officials.

Section 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 10.

Constitution of 1838, art. II, sec. 10.

Messages to Legislature.

Section 11. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he may judge expedient.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 11.

Constitution of 1838, art. II, sec. 11.

Special Sessions of Legislature.—Adjournments.—Special Sessions of Senate.

Section 12. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 20.

Constitution of 1790, art. II, sec. 12.

Constitution of 1838, art. II, sec. 12.

When Lieutenant Governor Shall Act.

Section 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 14.

Constitution of 1838, art. II, sec. 14.

Vacancy in Office of Lieutenant Governor.

Section 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the Senate; and the president pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

Approval of Bills.—Veto.

Section 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. I, sec. 22.

Constitution of 1838, art. I, sec. 23.

Partial Disapproval of Appropriation Bills.

Section 16. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embrac-

ing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Contested Election of Governor or Lieutenant Governor.—Holding Over.

Section 17. The chief justice of the supreme court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 2.

Constitution of 1838, art. II, sec. 2.

Secretary of the Commonwealth.

Section 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the general assembly, and perform such other duties as may be enjoined upon him by law.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. II, sec. 15.

Constitution of 1838, art. II, sec. 15.

Secretary of Internal Affairs.

Section 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the state as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the general assembly.

Superintendent of Public Instruction.

Section 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the superintendent of common schools, subject to such changes as shall be made by law.

Terms of Executive Department Officers.—Ineligibility to Re-election

Section 21. The terms of the Secretary of Internal Affairs, the Auditor General and the State Treasurer shall each be four years; and they shall be chosen by the qualified electors of the state at general elections; but a State Treasurer, elected in the year on thousand nine hundred and nine, shall serve for three years, and his suc-

cessor shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms. (Amendment of November 2, 1900.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 9.

Constitution of 1790, art. VI, sec. 5.

Constitution of 1838, art. VI, sec. 6.

Section 21 of article IV of this Constitution originally read as follows: Section 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor General three years; and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the state at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

Seal.—Commissions.

Section 22. The present great seal of Pennsylvania shall be the seal of the state. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the state seal and signed by the Governor.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 21.

Constitution of 1790, art. VI, sec. 4.

Constitution of 1838, art. VI, sec. 5.

ARTICLE V.

THE JUDICIARY.

Judicial Power

Section 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the general assembly may from time to time establish.

• Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 26.

Constitution of 1790, art. V, sec. 1.

Constitution of 1838, art. V, sec. 1.

Supreme Court.

Section 2. The supreme court shall consist of seven judges, who shall be elected by the qualified electors of the state at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 23.

Constitution of 1790, art. V, sec. 2.

Constitution of 1838, art. V, sec. 2.

Jurisdiction of Supreme Court.

Section 3. The jurisdiction of the supreme court shall extend over the state, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the commonwealth whose jurisdiction extends over the state, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. V, sec. 3.

Constitution of 1838, art. V, sec. 4.

Common Pleas Courts.

Section 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. V, sec. 4.

Constitution of 1838, art. V, sec. 3.

Judicial Districts.—Associate Judges.

Section 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the general assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the general assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Courts of Common Pleas of Philadelphia and Allegheny Counties.

Section 6. In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated, respectively, as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased from time to time and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time

to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law.

The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption. (Amendment of November 7, 1911.)

Section 6 of article V of this Constitution originally read as follows: Section 6. In the counties of Philadelphia and Allegheny all the jurisdiction and power now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated, respectively, as the court of common pleas number one, number two, number three and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and equity commenced therein, subject to change of venue as may be provided by law.

Prothonotary of Philadelphia.—Salaries.—Fees.—Dockets.

Section 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Criminal Courts in Philadelphia and Allegheny Counties.

Section 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall from time to time in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Powers of Judges of Common Pleas Courts.

Section 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. V, sec. 5.

Constitution of 1838, art. V, secs. 5, 7, 9.

Certiorari to Courts Not of Record.

Section 10. The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. V, sec. 8.

Constitution of 1838, art. V, sec. 8.

Justices of the Peace.—Aldermen.—Term.—Residence.—Number.

Section 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district. (Amendment of November 2, 1909.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 30.

Constitution of 1790, art. V, sec. 10.

Constitution of 1838, art. VI, sec. 7.

Section 11 of article V of this Constitution originally read as follows:
Section 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be

elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Magistrates' Courts in Philadelphia.—Election.—Term.—Salaries.—Jurisdiction.

Section 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished. (Amendment of November 2, 1909.)

Section 12 of article V of this Constitution originally read as follows: Section 12. In Philadelphia there shall be established for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars, such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Disposition of Fees, Fines, Etc.

Section 13. All fees, fines and penalties in said court shall be paid into the county treasury.

Appeal From Summary Conviction.

Section 14. In all cases of summary conviction in this commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Election of Judges.—Term.—Removal.

Section 15. All judges required to be learned in the law, except the judges of the supreme court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the general assembly.

Corresponding provisions of prior Constitutions :

Constitution of 1776, sec. 20.

Constitution of 1790, art. V, secs. 2, 4.

Constitution of 1838, art. V, sec. 2 (amendment of 1850).

Voting for Supreme Court Judges.

Section 16. Whenever two judges of the supreme court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Priority of Commission.

Section 17. Should any two or more judges of the supreme court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Corresponding provisions of prior Constitutions :

Constitution of 1838, art. V, sec. 2 (and amendment of 1850).

Compensation of Judges.

Section 18. The judges of the supreme court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the state. They shall receive no other compensation, fees, or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this state or any other state.

Corresponding provisions of prior Constitutions :

Constitution of 1776, sec. 23.

Constitution of 1790, art. V, sec. 2.

Constitution of 1838, art. V, sec. 2 (and amendment of 1850).

Residence of Judges.

Section 19. The judges of the supreme court, during their continuance in office, shall reside within this commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

Corresponding provisions of prior Constitutions :

Constitution of 1790, art. V, sec. 4.

Constitution of 1838, art. V, sec. 2 (amendment of 1850).

Chancery Powers.

Section 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth, or as may hereafter be conferred upon them by law.

Corresponding provisions of prior Constitutions :

Constitution of 1776, sec. 24.

Constitution of 1790, art. V, sec. 6.

Constitution of 1838, art. V, sec. 6.

Duties of Judges.—Nisi Prius Courts.—Supreme Court Judges.

Section 21. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of nisi prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established.

Orphans' Courts.—Registers' Courts Abolished.

Section 22.—In every county wherein the population shall exceed one hundred and fifty thousand, the general assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county in orphans' court proceedings shall cease and determine. In any county in which a separate orphans' court shall be established the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' court shall possess all the powers and jurisdiction of a register's court, and separate registers' courts are hereby abolished.

Corresponding provisions of prior Constitutions :

Constitution of 1790, art. V, sec. 7.

Constitution of 1838, art. V, sec. 7.

Style of Process.—Indictments.

Section 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Corresponding provisions of prior Constitutions :

Constitution of 1776, sec. 27.

Constitution of 1790, art. V, sec. 12 (verbatim).

Constitution of 1838, art V, sec. 11 (verbatim).

Section 24. In all cases of felonious homicide, and in such other criminal cases as may be provided by law, the accused after conviction and sentence may remove the indictment, record and all proceedings to the supreme court for review.

Corresponding provisions of prior Constitutions :

Constitution of 1790, art. V, sec. 5.

Constitution of 1838, art. V, sec. 5.

Vacancies in Courts of Record.

Section 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. II, sec. 8.

Constitution of 1838, art. V, sec. 2 (amendment of 1850).

Uniform Laws for Courts.—Certain Courts Prohibited.

Section 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the general assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Litigants May Dispense With Jury Trial.

Section 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Power of Impeachment.

Section 1. The House of Representatives shall have the sole power of impeachment.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 22.

Constitution of 1790, art. IV, sec. 1.

Constitution of 1838, art. IV, sec. 1.

Trial of Impeachments.

Section 2. All impeachments shall be tried by the Senate; when sitting for that purpose the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 22.

Constitution of 1790, art. IV, sec. 2 (verbatim).

Constitution of 1838, art. IV, sec. 2 (verbatim).

Officers Liable to Impeachment.—Judgment.

Section 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such

cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 22.

Constitution of 1790, art. IV, sec. 3.

Constitution of 1838, art. IV, sec. 3.

Tenure of Office.—Removals from Office.

Section 4. All officers shall hold their offices on the condition ^{that} they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, member of the general assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. VI, sec. 9.

ARTICLE VII.

OATH OF OFFICE.

Official Oath.—How Administered.

Section 1. Senators and representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall

forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the supreme court or of a court of common pleas, learned in the law, in the hall of the House to which the members shall be elected.

Corresponding provisions of prior Constitutions:

Constitution of 1776, secs. 10, 40.

Constitution of 1790, art. VIII.

Constitution of 1838, art. VIII.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

Qualifications of Electors.

Section 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the state one year (or, having previously been a qualified elector or native-born citizen of the state, he shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age and upwards, he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before the election. (Amendment of November 5, 1901.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 6.

Constitution of 1790, art. III, sec. 1.

Constitution of 1838, art. III, sec. 1.

Section 1 of article VIII of this Constitution originally read as follows: Section 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the state one year, (or if, having previously been a qualified elector or native-born citizen of the state, he shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

4. If twenty-two years of age or upwards, he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before the election.

General Elections.

Section 2. The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the general assembly may by law fix a different

day, two-thirds of all the members of each House consenting thereto; provided, that such election shall always be held in an even-numbered year. (Amendment of November 2, 1909.)

Section 2 of article VIII of this Constitution originally read as follows: Section 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

Municipal Elections.—Election of Judges and County Officers.

Section 3. All judges elected by the electors of the state at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto; provided, that such elections shall be held in an odd-numbered year; provided further, that all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year. (Amendment of November 4, 1913.)

Section 3 of article VIII of this Constitution was also amended November 2, 1909, which amendment read as follows: Section 3. All judges elected by the electors of the state at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto; provided, that such election shall always be held in an odd-numbered year.

Section 3 of article VIII of this Constitution originally read as follows: Section 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

Method of Conducting Elections.—Secrecy.

Section 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law; provided, that secrecy in voting be preserved. (Amendment of November 5, 1901.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 32.

Constitution of 1790, art. III, sec. 2.

Constitution of 1838, art. III, sec. 2.

Section 4 of article VIII of this Constitution originally read as follows: Section 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot. Any elector may write his name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

Privileges of Electors.

Section 5. Electors shall in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

Corresponding provisions of prior Constitutions:

Constitution of 1790, art. III, sec. 3.

Constitution of 1838, art. III, sec. 3.

Voting When Engaged in Military Service.

Section 6. Whenever any of the qualified electors of this commonwealth shall be in actual military service, under a requisition from the President of the United States or by the authority of this commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. III, sec. 4 (verbatim amendment of 1864).

Uniformity of Election Laws.—Registration of Electors.

Section 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the state, but laws regulating and requiring the registration of electors may be enacted to apply to cities only; provided, that such laws be uniform for cities of the same class. (Amendment of November 5, 1901.)

Section 7 of article VIII of this Constitution originally read as follows: Section 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the state, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

Bribery at Elections.—Challenging of Electors.

Section 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 32.

Violation of Election Laws.

Section 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Corresponding provisions of prior Constitutions :
Constitution of 1776, sec. 32.

Witnesses in Contested Elections and Election Investigations.

Section 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy ; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

Election Districts.

Section 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct ; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes have been polled therein ; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

Elections by Persons in Representative Capacity.

Section 12. All elections by person in a representative capacity shall be *viva voce*.

Corresponding provisions of prior Constitutions :
Constitution of 1790, art. III, sec. 2.
Constitution of 1838, art. III, sec. 2.

Residence of Electors.

Section 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this state or of the United States, nor while engaged in the navigation of the waters of the state or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Election Officers.

Section 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector. and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record

or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Disqualifications for Election Officer.

Section 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the government of the United States, or of this state, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the state; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Overseers of Elections.

Section 16. The courts of common pleas of the several counties of the commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Trial of Contested Elections.

Section 17. The trial and determination of contested elections of electors of President and Vice-President, members of the general assembly, and of all public officers, whether state, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the general assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

TAXATION AND FINANCE.

Taxes to Be Uniform.—Exemptions.

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

Exemption From Taxation Limited.

Section 2. All laws exempting property from taxation, other than the property above enumerated, shall be void.

Taxation of Corporations.

Section 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Limitations on State Loans.

Section 4. No debt shall be created by or on behalf of the state, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the state in war, or to pay existing debts; and the debt created to supply deficiencies in revenue shall never exceed in the aggregate, at any one time, one million dollars; provided, however, that the general assembly, irrespective of any debt, may authorize the state to issue bonds in the amount of fifty millions of dollars for the purpose of improving and rebuilding the highways of the commonwealth. (Amendment of November 4, 1918.)

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. XI, secs. 1, 2 (Amendment of 1857).

Section 4 of article IX of this Constitution originally read as follows: Section 4. No debt shall be created by or on behalf of the state, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the state in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

Limitation on State Loans.

Section 5. All laws, authorizing the borrowing of money by and on behalf of the state, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. XI, secs. 1, 2 (amendment of 1857).

State Credit Not to Be Pledged.

Section 6. The credit of the commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the commonwealth become a joint owner or stockholder in any company, association or corporation.

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. XI, sec. 5 (amendment of 1857).

Municipalities Not to Become Stockholders in Corporations, Etc., Nor Loan Credit.

Section 7. The general assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Corresponding provisions of prior Constitutions:

Constitution of 1838, art. XI, sec. 7 (amendment of 1857).

Debts of Municipalities.—Debt of Philadelphia.

Section 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven per centum upon the assessed value of the taxable property therein, but the debt of the city of Philadelphia may be increased in such amount that the total city debt of said city shall not exceed ten per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. In ascertaining the borrowing capacity of the said city of Philadelphia, at any time, there shall be excluded from the calculation and deducted from such debt so much of the debt of said city as shall have been incurred, and the proceeds thereof invested, in any public improvements of any character which shall be yielding to the said city an annual current net revenue. The amount of such deduction shall be ascertained by capitalizing the annual net revenue from such improvement during the year immediately preceding the time of such ascertainment; and such capitalization shall be estimated by ascertaining the principal amount which would yield such annual, current net revenue, at the average rate of interest, and sinking fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be deducted, may be prescribed by the general assembly. In incurring indebtedness for any purpose the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund sufficient to retire said obligations at maturity, the payment to such sinking fund to be made in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of

the construction or improvement of public works of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten of article IX of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work. (Amendment of November 4, 1918.)

Section 8 of article IX of this Constitution was also amended November 2, 1915, which amendment reads as follows: Section 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which on the first day of January, one thousand eight hundred and seventy-four, exceeded seven per centum of such assessed valuation, and has not since been reduced to less than such per centum, may be authorized by law to increase the same three per centum in the aggregate, at any one time, upon such valuation. The city of Philadelphia, upon the conditions hereinafter set forth, may increase its indebtedness to the extent of three per centum in excess of seven per centum upon such assessed valuation for the specific purpose of providing for all or any of the following purposes, to wit: For the construction and improvement of subways, tunnels, railways, elevated railways, and other transit facilities; for the construction and improvement of wharves and docks, and for the reclamation of land to be used in the construction of wharves and docks, owned or to be owned by said city. Such increase, however, shall only be made with the assent of the electors thereof at a public election to be held in such manner as shall be provided by law. In ascertaining the borrowing capacity of said city of Philadelphia, at any time, there shall be excluded from the calculation a credit, where the work resulting from any previous expenditure, for any one or more of the specific purposes hereinabove enumerated shall be yielding to said city an annual current net revenue; the amount of which credit shall be ascertained by capitalizing the annual net revenue during the year immediately preceding the time of such ascertainment. Such capitalization shall be accomplished by ascertaining the principal amount which would yield such annual current net revenue, at the average rate of interest, and sinking fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be excluded or allowed as a credit, may be prescribed by the general assembly.

In incurring indebtedness for any one or more of said purposes of construction, improvement or reclamation, the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund sufficient to retire said obligation at maturity, the payments to such sinking fund to be in equal or graded annual installments. Such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until the expiration of said period of one year after the completion of such work.

Section 8 of article IX of this Constitution was also amended November 7, 1911, which amendment read as follows: Section 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate, at any one time, upon such valuation, except that any debt or debts hereinafter incurred by the city and county of Philadelphia for the construction and development of subways for

transit purposes, or for the construction of wharves and docks, or the reclamation of land to be used in the construction of a system of wharves and docks, as public improvements, owned or to be owned by said city and county of Philadelphia, and which shall yield to the city and county of Philadelphia current net revenue in excess of the interest of said debt or debts and of the annual installments necessary for the cancellation of said debt or debts, may be excluded in ascertaining the power of the city and county of Philadelphia to become otherwise indebted; provided, that a sinking fund for their cancellation shall be established and maintained.

Section 8 of article IX of this Constitution originally read as follows: Section 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

Municipal Debt Not to Be Assumed by State.—Exceptions.

Section 9. The commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been enacted to enable the state to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the state in the discharge of any portion of its present indebtedness.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. XI, sec 6 (amendment of 1857).

Tax to Liquidate Municipal Debt.

Section 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

State Sinking Fund.

Section 11. To provide for the payment of the present state debt, and any additional debt contracted as aforesaid, the general assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income of proceeds of the sale of any stocks owned by the commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the state not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. XI, sec 4 (amendment of 1857).

Surplus State Funds.—Investments.

Section 12. The moneys of the state, over and above the necessary reserve, shall be used in the payment of the debt of the state,

either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this state.

Reserve Fund Limited.—Monthly Statements of Reserve Funds.

Section 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Punishment for Misuse of State Moneys.

Section 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the state, or member or officer of the general assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Municipal Indebtedness for Certain Public Works.

Section 15. No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of water-works, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section 8 of article IX of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section 10 of article IX of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall be provided by law. (Amendment of November 4, 1913.)

Note. Article IX of this Constitution, in its original form, consisted of but fourteen sections.

ARTICLE X.

EDUCATION.

Public School System.

Section 1. The general assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 44.

Constitution of 1790, art. VII, sec. 1.

Constitution of 1838, art. VII, sec. 1.

Diversion of School Moneys to Sectarian Schools.

Section 2. No money raised for the support of the public schools of the commonwealth shall be appropriated to or used for the support of any sectarian school.

Women Eligible as School Officers.

Section 3. Women of twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this state.

ARTICLE XI.

MILITIA.

Militia to Be Organized.—Maintenance.—Exemption From Service.

Section 1. The freemen of this commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The general assembly shall provide for maintaining the militia by appropriations from the treasury of the commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 5.

Constitution of 1790, art. VI, sec. 2.

..... Constitution of 1838, art. VI, sec. 2.

ARTICLE XII.

PUBLIC OFFICERS.

Election of State and Local Public Officers.

Section 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by

law; provided, that elections of state officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms. (Amendment of November 2, 1909.)

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. VI, sec. 8.

Section 1 of article XII of this Constitution originally read as follows: Section 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

Incompatible Offices.

Section 2. No member of Congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The general assembly may by law declare what officers are incompatible.

Corresponding provisions of prior Constitutions:
Constitution of 1790, art. II, sec. 8.
Constitution of 1838, art. VI, sec. 8.

Punishment for Dueling.

Section 3. Any person who shall fight a duel or send a challenge for that purpose or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and may be otherwise punished as shall be prescribed by law.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. VI, sec. 10.

ARTICLE XIII.

NEW COUNTIES.

Limitation on Erection of New Counties.

Section 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. XII (amendment of 1857).

ARTICLE XIV.

COUNTY OFFICERS.

County Offices

Section 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners,

treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Election of County Officers.—Terms.—Vacancies.

Section 2. County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law. (Amendment of November 2, 1909.)

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 31.

Constitution of 1790, art. VI, sec. 1.

Constitution of 1838, art. VI, secs. 1, 3.

Section 2 of article XIV of this Constitution originally read as follows: Section 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law.

Qualifications.

Section 3. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Where Offices Shall Be Kept.

Section 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs shall keep their offices in the county town of the county in which they respectively shall be officers.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 34.

Constitution of 1790, art. V, sec. 11.

art. VI, sec. 3.

Constitution of 1838, art. V, sec. 10.

art. VI, sec. 4.

Compensation of County Officers.—Fees.

Section 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or state, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Accountability of Municipal Officers.

Section 6. The general assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

County Commissioners and Auditors.

Section 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioners or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled. (Amendment of November 2, 1909.)

Section 7 of article XIV of this Constitution originally read as follows: Section 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

ARTICLE XV.

CITIES AND CITY CHARTERS.

When Cities May Be Chartered.

Section 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Debts Incurred by Municipal Commissions.

Section 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

City Sinking Fund.

Section 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI.

PRIVATE CORPORATIONS.

Certain Unused Charters Void.

Section 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Conditions Imposed on Certain Benefits to Corporations.

Section 2. The general assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

State's Right of Eminent Domain.—Police Power.

Section 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the general assembly from taking the property and franchise of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

Corporate Elections.

Section 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Foreign Corporations.

Section 5. No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Corporate Powers.—Real Estate.

Section 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Stocks and Bonds.—Increase of Indebtedness.

Section 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all

fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Property Taken, Injured or Destroyed by Private and Municipal Corporations.

Section 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The general assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on demand of either party be determined by a jury according to the course of the common law.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. VII, sec. 4.

Banking Laws.

Section 9. Every banking law shall provide for the registry and countersigning, by an officer of the state, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Revocation and Alteration of Corporate Charters.—New Charters.

Section 10. The general assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. I, secs. 25, 26 (sec. 26, amendment of 1857).

Notice of Application for Bank Charter.—Term.

Section 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Corresponding provisions of prior Constitutions:
Constitution of 1838, art. I, sec. 25.

Regulation of Telegraph Lines.

Section 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this state, and to connect the same with other lines, and the general assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Meaning of Term "Corporations."

Section 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

RAILROADS AND CANALS.

To Be Public Highways and Common Carriers.—Connection With Other Lines.

Section 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars loaded or empty, without delay or discrimination.

Stock Transfer Office.—Books.

Section 2. Every railroad and canal corporation organized in this state shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

No Discrimination in Service.

Section 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight

or passengers within the state or coming from or going to any other state. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Consolidation Prohibited.—Restrictions on Officers.

Section 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Limitation of Powers.

Section 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufacturing factories on its railroad or canal not exceeding fifty miles in length.

Officers Not to Be Interested in Contracts.

Section 6. No president, director, officer, agent or employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Discrimination and Preferences Prohibited.

Section 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Passes Prohibited.

Section 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

Street Railways.

Section 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

Acceptance of This Article.

Section 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Duties of Secretary of Internal Affairs.

Section 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Enforcement of This Article.

Section 12. The general assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

How Constitution May Be Amended.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the general assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the state in such manner, and at such time at least three months after being agreed to by the two Houses, as the general assembly shall prescribe; and, if such amendment or

amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Corresponding provisions of prior Constitutions:

Constitution of 1776, sec. 47.

Constitution of 1838, art. X.

Registering, Transferring, Insuring and Guaranteeing Land Titles.

Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the state, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring and guaranteeing such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties. (Amendment of November 2, 1915.)

Note. The legislature failed to designate any article or section for this amendment.

SCHEDULE NO. 1.

ADOPTED WITH THE CONSTITUTION.

That no inconvenience may arise from the changes in the Constitution of the commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

When to Take Effect.

Section 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

Former Laws Remain in Force.

Section 2. All laws in force in this commonwealth at the time of the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted.

Election of Senators.

Section 3. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, senators shall be elected in all districts where there shall

be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

Election of Senators (Continued).

Section 4. At the general election in the year one thousand eight hundred and seventy-six, senators shall be elected from even-numbered districts to serve for two years, and from odd-numbered districts to serve for four years.

Election of Governor.

Section 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

Election of Lieutenant Governor.

Section 6. At the general election in the year one thousand eight hundred and seventy-four a Lieutenant Governor shall be elected according to the provisions of this Constitution.

Secretary of Internal Affairs.

Section 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

Superintendent of Public Instruction.

Section 8. When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

Elegibility of Present Officers.

Section 9. Nothing contained in this Constitution shall be construed to render any person now holding any state office for a first official term ineligible for re-election at the end of such term.

Judges of Supreme Court.

Section 10. The judges of the supreme court in office when this Constitution shall take effect shall continue until their commissions

severally expire. Two judges in addition to the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

Courts of Record.

Section 11. All courts of record and all existing courts which are not specified in this Constitution shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed on in the courts of oyer and terminer and quarter sessions of the peace of said county.

Registers' Courts Abolished.

Section 12. The registers' courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

Judicial Districts.

Section 13. The general assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the president judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

Decennial Adjustment of Judicial Districts.

Section 14. The general assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

Judges in Commission.

Section 15. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

President Judges.—Casting Lots.—Associate Judges.

Section 16. After the expiration of the term of any president judge of any court of common pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in

commission shall be the president judge thereof; and when two or more judges are elected at the same time in any judicial district they shall decide by lot which shall be president judge; but when a president judge of a court shall be re-elected he shall continue to be president judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

Compensation of Judges.

Section 17. The general assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the supreme court and of the judges of the several judicial districts of the commonwealth; and the provisions of the fifteenth section of the article on legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this commonwealth now in commission.

Courts of Philadelphia and Allegheny Counties.—Organization in Philadelphia.

Section 18. The courts of common pleas in the counties of Philadelphia and Allegheny shall be composed of the present judges of the district court and court of common pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia the judges of the court number one shall be judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge to be elected; of the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge to be elected. The judge first named shall be the president judge of said courts, respectively, and thereafter the president judge shall be the judge oldest in commission; but any president judge re-elected in the same court or district shall continue to be president judge thereof. The additional judges for courts numbers two and four shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional judges of the supreme court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

Organization of Courts in Allegheny County.

Section 19. In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the court of common pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the district court, at the same date shall be the judges of the common pleas number two. The president judges of the common pleas and district court shall be president judge of said courts number one and two, respectively, until their offices shall end; and thereafter the judge

oldest in commission shall be president judge; but any president judge re-elected in the same court or district shall continue to be president judge thereof.

When Reorganization of Courts to Take Effect.

Section 20. The organization of the courts of common pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with their present powers and jurisdiction until that date, but no new suits shall be instituted in the courts of nisi prius after the adoption of this Constitution.

Causes Pending in Philadelphia.—Transfer of Records.

Section 21. The causes and proceedings pending in the court of nisi prius, court of common pleas, and district court in Philadelphia shall be tried and disposed of in the court of common pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

Causes Pending in Allegheny County.

Section 22. The causes and proceedings pending in the court of common pleas in the county of Allegheny shall be tried and disposed of in the court number one; and the causes and proceedings pending in the district court shall be tried and disposed of in the court number two.

Prothonotary of Philadelphia County.

Section 23. The prothonotary of the court of common pleas of Philadelphia shall be first appointed by the judges of said court on the first Monday of December, in the year one thousand eight hundred and seventy-five, and the present prothonotary of the district court in said county shall be the prothonotary of the said court of common pleas until said date when his commission shall expire, and the present clerk of the court of oyer and terminer and quarter sessions of the peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

Aldermen.

Section 24. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions, and at the election for city and ward officers in the year one thousand eight hundred and seventy-five one alderman shall be elected in each ward as provided in this Constitution.

Magistrates in Philadelphia.

Section 25. In Philadelphia magistrates in lieu of aldermen shall be chosen as required in this Constitution, at the election in said city for city and ward officers in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election. The terms of office of aldermen in said city holding or entitled to commissions at the time of the adoption of this Constitution shall not be affected thereby.

Term of Present Officers.

Section 26. All persons in office in this commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

Oath of Office.

Section 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

County Commissioners and Auditors.

Section 28. The terms of office of county commissioners and county auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January, in the year one thousand eight hundred and seventy-six, shall expire on that day.

Compensation of Present Officers.

Section 29. All state, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

Renewal of Oath of Office.

Section 30. All state and judicial officers heretofore elected, sworn, affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath, or affirmation, to support this Constitution.

Enforcing Legislation.

Section 31. The general assembly at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

An Ordinance Declared Valid.

Section 32. The ordinance passed by this Convention, entitled "An ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof," shall be valid for all the purposes thereof.

City Commissioners of Philadelphia.

Section 33. The words "county commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia.

Adopted at Philadelphia, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

Filed in the office of the Secretary of the Commonwealth, November 13, 1873.

M. S. QUAY,

Secretary of the Commonwealth.

JNO. H. WALKER,

President.

D. L. IMBRIE,

Chief Clerk.

SCHEDULE NO. 2.

AMENDMENTS OF NOVEMBER 2, 1909.

Adjustments of Terms of Public Officers to Amendments of 1909.

Section 1. That no inconvenience may arise from the change in the Constitution of the commonwealth, and in order to carry the same into complete operation, it is hereby declared that:

In the case of officers elected by the people, all terms of office fixed by act of assembly at an odd number of years shall each be lengthened one year, but the legislature may change the length of the term, provided the terms for which such officers are elected shall always be for an even number of years.

The above extension of official terms shall not affect officers elected at the general election of one thousand nine hundred and eight; nor any city, ward, borough, township or election division officers, whose terms of office, under existing law, end in the year one thousand nine hundred and ten.

In the year one thousand nine hundred and ten the municipal election shall be held on the third Tuesday of February as heretofore; but all officers chosen at that election to an office the regular term of which is two years, and also all election officers and assessors chosen at that election, shall serve until the first Monday of December, in the year one thousand nine hundred and eleven. All officers chosen at that election to offices the term of which is now four years, or is made four years by the operation of these amendments or this

schedule, shall serve until the first Monday of December, in the year one thousand nine hundred and thirteen. All justices of the peace, magistrates and aldermen, chosen at that election, shall serve until the first Monday of December, in the year one thousand nine hundred and fifteen. After the year nineteen hundred and ten, and until the legislature shall otherwise provide, all terms of city, ward, borough, township and election division officers shall begin on the first Monday of December in an odd-numbered year.

All city, ward, borough and township officers holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of December of that year.

All judges of the courts for the several judicial districts, and also all county officers, holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of January, one thousand nine hundred and twelve.

TENTATIVE DRAFT
OF
CONSTITUTION

Reported by Committee of the Whole February 11, 1920.



TENTATIVE DRAFT OF CONSTITUTION

KEY: Words inserted by amendment printed in italics.

Words omitted or stricken out by amendment printed in italics enclosed in [].

Additional sections or sections completely remodeled printed in italics.

PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I.

Declaration of Rights.—Liberty and Free Government.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, we declare that—

Natural Rights of Mankind.

Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Power of People.

Section 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Rights of Conscience.—Freedom of Religious Worship.

Section 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship.

No Disqualification for Religious Belief.

Section 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his re-

ligious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Freedom of Elections.

Section 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Right to Vote.

Section 5-A. *The right to vote and to hold office in this commonwealth shall not be denied on account of race, color or sex.*

Trial by Jury.

Section 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Freedom of the Press.—Libel.

Section 7. The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Searches and Seizures.

Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Rights of Accused in Criminal Prosecutions.

Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give

evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Criminal Information.—Twice in Jeopardy.—Eminent Domain.

Section 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Courts to Be Open.—Suits Against Commonwealth.

Section 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts and in such cases as the legislature may by law direct.

Power of Suspending Laws.

Section 12. No power of suspending laws shall be exercised unless by the legislature or by its authority.

Bail.—Fines.—Punishments.

Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Prisoners To Be Bailable.—Habeas Corpus.

Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Oyer and Terminer.

Section 15. No commission of oyer and terminer or jail delivery shall be issued.

Insolvent Debtors.

Section 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Ex Post Facto Laws.—Impairment of Contracts.

Section 17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Attainder.

Section 18. No person shall be attainted of treason or felony by the legislature.

Attainder Limited.—Estates of Suicides.—Deodands.

Section 19. No attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Right of Petition.

Section 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Right to Bear Arms.

Section 21. The right of the citizens to bear arms in defense of themselves and the state shall not be questioned.

Standing Army.—Military Power Subordinate to Civil.

Section 22. No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Quartering of Troops.

Section 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Titles.—Offices.

Section 24. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Emigration.

Section 25. Emigration from the state shall not be prohibited.

Reservation of Powers in People.

Section 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.

THE LEGISLATURE.

Legislative Power.

Section 1. The legislative power of this commonwealth shall be vested in a general assembly which shall consist of a Senate and a House of Representatives.

Election of Members.—Vacancies.

Section 2. Members of the general assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Terms of Members.

Section 3. Senators shall be elected for the term of four years and representatives for the term of two years.

Sessions.—United States Senators.

Section 4. The general assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor [*but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of vacancy in the office of United States Senator from this commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same*].

Qualifications of Members.

Section 5. Senators shall be at least twenty-five years of age and representatives twenty-one years of age. They shall have been citizens and inhabitants of the state four years, and inhabitants of their respective districts one year next before their election (unless

absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of service.

Disqualification to Hold Other Office.

Section 6. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office *or place of profit* under this commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this commonwealth shall be a member of either House during his continuance in office.

Certain Crimes to Disqualify.

Section 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime shall be eligible to the general assembly, or capable of holding any office of trust or profit in this commonwealth.

Compensation.

Section 8. The members of the general assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Presiding Officers.—Other Officers.—Election and Qualifications of Members.

Section 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Quorum.

Section 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Powers of Each Branch.—Expulsion.

Section 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Journals.—Yeas and Nays.

Section 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sessions.

Section 13. The sessions of each House and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Adjournment.

Section 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Privileges of Members.

Section 15. The members of the general assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Senatorial Districts.—Ratio.

Section 16. The state shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one senator. Each county containing one or more ratios of population shall be entitled to one senator for each ratio, and to an additional senator

for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more senators when such county may be assigned a senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the state by the number fifty.

Representative Districts.

Section 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the state as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Legislative Apportionment.

Section 18. The general assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the state into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

ARTICLE III.

LEGISLATION.

Passage of Bills.—Change of Purpose.

Section 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Reference to Committee.—Printing.

Section 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. *The enacting clause of every bill shall precede section one thereof.*

Subject of Bills.—Title.

Section 3. No bill except general appropriation bills *and codifications, compilations and general revisions of existing statutory laws* shall be passed containing more than one subject, which shall be clearly expressed in its title. *Any law may in the body thereof set forth a short title by which it may be cited. A law amending, reviving or extending a law shall set forth in its title the title or the short title of the law affected.*

Three Readings.—Amendments.—Final Vote.

Section 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Concurring in Amendments.—Conference Committee Reports.

Section 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Revival and Amendment of Laws.

Section 6. *A law amending, reviving or extending the provisions of a law shall set forth in full the part of the law affected, and an amending law shall also set forth in full the part of the law affected as amended.*

This section in the present Constitution reads: No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Special and Local Legislation Limited.

Section 7. The general assembly shall not pass any local or special law:

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards, or public grounds not of the state:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability [*except after due notice to all parties in interest, to be recited in the special enactment*]:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the general assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Classification, Etc.

Section 7-A. *For the purpose of legislation the general assembly shall have power to classify counties, cities, boroughs, school districts and townships according to population; but counties, cities or school districts shall not be divided into more than seven classes, and boroughs and townships into more than five classes.*

Notice of Local and Special Bills.

Section 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the general assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the general assembly, before such act shall be passed.

Signing of Bills by Presiding Officers.

Section 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the general assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Officers and Employes.—Payments.

Section 10. The general assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the state treasury, or

be in any way authorized, to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Extra Compensation Prohibited.—Claims Against the State.

Section 11. No bill shall be passed giving any extra compensation to any public officer, servant, employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the commonwealth without previous authority of law.

Public Printing and Supplies.

Section 12. *The printing and binding of the laws, journals, bills, documents and papers of the general assembly and the printing and binding required for the other departments shall be let on contract or done directly by the state in such manner as shall be prescribed by law. All furnishings and fuel for the capitol buildings and all paper and stationery required for the legislative and other departments shall be procured under contract. All contracts comprehended by this section shall be awarded to the lowest responsible bidder under such regulations as shall be prescribed by law, and shall be subject to the approval of the Auditor General and State Treasurer; no member or officer of any department of the government shall be in any way interested in such contracts.*

This section in the present Constitution reads: All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the general assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price, and under such regulation, as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

Extension of Terms.

Section 13. *No term of any public officer shall be extended, nor his salary or emoluments increased or diminished after his election or appointment except that the salary or emoluments of a judge may be increased.*

This section in the present Constitution reads as follows: No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

Revenue Bills.

Section 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

The Budget and the General and Other Appropriation Bills.

Section 15. *On or before March 1 of each year in which the legislature shall be in regular session the Governor shall submit to the general assembly a budget. The budget shall contain a complete plan of proposed expenditures and estimated revenues for the two fiscal years next ensuing, including expenditures for charitable and educational purposes. The Governor shall, at the time of presenting the budget to the general assembly, submit a bill containing the proposed appropriations for the fiscal years covered by said budget, as well as any bill or bills embodying any recommendations he may desire to make as to sources of revenue.*

In submitting proposals for appropriations to charitable, benevolent or educational institutions not under the absolute control of the commonwealth, the Governor shall at the same time submit a plan of distribution among the classes of institutions to be benefited. No item of the general or other appropriation bill shall appropriate any definite sum of money to any such institution or designate any one or more of such institutions as beneficiaries; but all such items shall appropriate a gross sum to be distributed among a class or classes of such institutions (as such class or classes may be defined by law) only in accordance with a plan uniform in its application to all the beneficiaries in any class, said plan to be set forth in the appropriation act or to be prescribed by general law or by an executive agency created by law.

Immediately upon receipt of the Governor's budget the presiding officer of the House of Representatives shall introduce in such House the said appropriation bill and also all bills relating to sources of revenue submitted by the Governor.

The general assembly shall have power to increase, decrease, strike out or otherwise alter any item in the appropriation bill, or add new items thereto.

Until the appropriation bill shall have been finally acted upon by both Houses of the general assembly, neither House shall consider any appropriation measure, unless the same shall be solely for the immediate needs of the general assembly, or shall have been submitted to the general assembly by the Governor with the request that it be acted upon in advance of the appropriation bill.

The final adjournment of the general assembly shall not take place until a period of ten days shall have elapsed after the appropriation bill shall have been finally acted upon by both Houses of the general assembly and shall have been presented to the Governor.

Before final vote is taken on the general appropriation bill in either House of the general assembly, a separate vote shall be taken on each item making an appropriation for a class or classes of institutions

not under the absolute control of the commonwealth, and such item shall be stricken from the bill unless it shall receive the support of two-thirds of the members elected to the House in which the vote is taken.

In the present Constitution this section reads as follows: The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Paying Out Public Moneys.

Section 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant by the proper officer in pursuance thereof.

Appropriations to Charitable and Educational Institutions.

Section 17. *Appropriations for charitable, educational or benevolent purposes may be made to a class or classes of institutions not under the absolute control of the commonwealth, but engaged in work or service deemed by the general assembly to be for the public good, provided such work or service conforms to such standards of excellence as may be prescribed by law, or by an executive agency created by law. Every such appropriation shall be made by a vote of two-thirds of the members elected to each House. Institutions receiving such appropriations shall be subject to inspection by the commonwealth, according to law, and shall make report to the general assembly, or to such person or persons as it may designate of the precise use made of such appropriation.*

In the present Constitution this section reads as follows: No appropriation shall be made to any charitable or educational institution not under the absolute control of the commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the state, except by a vote of two-thirds of all the members elected to each House.

Certain Appropriations Forbidden.

Section 18. *No appropriations for charitable, educational, or benevolent purposes shall be made to any denominational or sectarian institution, corporation or association, nor to any person or community, except that appropriations may be made for pensions or gratuities for military services, and that pensions may be provided for the retirement of judges and of other employes of the commonwealth and its agencies, including the employes of the public schools.*

In the present Constitution this section reads as follows: No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution, corporation or association.

Appropriations for the Support of Widows and Orphans of Soldiers.

Section 19. The general assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

Special Municipal Commissions Prohibited.

Section 20. Transferred. See new article on municipalities, section 6.

Employers' Liability.—Workmen's Compensation.—Damages for Injuries to Persons or Property.

Section 21. The general assembly may enact laws requiring the payment by employers, or employers and employes jointly, of reasonable compensation for injuries to employes arising in the course of their employment, and for occupational diseases of employes, whether or not such injuries or diseases result in death, and regardless of fault of employer or employe, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the general assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Registering, Transferring and Guaranteeing Land Titles.

Section 21-A. Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the state, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and

under the operation of such system, judicial powers, with right of appeal, may be conferred by the legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring and guaranteeing such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties.

This section was added to the present Constitution by the amendment of November 2, 1915. The legislature failed to designate any article or section for the amendment.

Investment of Trust Funds.

Section 22. No act of the general assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees in the *stock of any private corporation nor in private corporate bonds not approved by some authority empowered by the legislature to pass upon issues of bonds [bonds or stock of any private corporation, and]*. Such acts now existing are avoided saving investments heretofore made.

Change of Venue.

Section 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Corporate Obligations Owned by State.

Section 24. No obligation or liability of any railroad or other corporation, held or owned by the commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the general assembly, nor shall such liability or obligation be released, except by payment thereof into the state treasury.

Legislation During Special Session.

Section 25. When the general assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Concurrent Resolutions, &c., to Be Presented to Executive.

Section 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be re-

passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

Section 27. Dropped.

In the present Constitution this section reads as follows: State Inspection of Merchandise Prohibited. No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Change of Location of State Capital.

Section 28. No law changing the location of the capital of the state shall be valid until the same shall have been submitted to the qualified electors of the commonwealth at a general election and ratified and approved by them.

Bribery of Members of Legislature.

Section 29. A member of the general assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

Giving of Bribes.

Section 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer, or member of the general assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Corrupt Solicitation.

Section 31. The offense of corrupt solicitation of members of the general assembly or of public officers of the state or of any muni-

cipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Investigation of Bribery or Corrupt Solicitation.—Compulsory Testimony.—Disqualification as Punishment.

Section 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this commonwealth.

Member Interested in Bill Not to Vote.

Section 33. A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

Executive Department.

Section 1. The executive department of this commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs, [*and a*] Superintendent of Public Instruction *and the heads of such departments as may exist from time to time by legislative enactment.*

Governor.—Election.—Returns.—Contested Election.

Section 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the commonwealth, at the places where they shall vote for representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the president of the Senate, who shall open and publish

them in the presence of the members of both Houses of the general assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Governor's Term.

Section 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Lieutenant Governor.

Section 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be president of the Senate, but shall have no vote unless they be equally divided.

Qualifications of Governor and Lieutenant Governor.

Section 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the state, unless he shall have been absent on the public business of the United States or of this state.

Disqualifications.

Section 6. No member of Congress or person holding any office under the United States or this state shall exercise the office of Governor or Lieutenant Governor.

Military Commander.

Section 7. The Governor shall be commander-in-chief of the army and navy of the commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Appointing Power of Governor.—Vacancies.—Confirmation by Senate.

Section 8. *The Governor shall nominate and, by and with the advice and consent of a majority of all the members of the Senate, appoint a Secretary of the Commonwealth, an Attorney General and a Secretary of Internal Affairs during his pleasure, a Superintendent*

of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint.

In offices to which he may appoint, the Governor shall have power to fill all vacancies that may occur during the recess of the Senate or within ten days before final adjournment, by granting commissions which shall expire at the end of their next session, but before final adjournment of such session he shall nominate some one for the full or unexpired term as the case may require; failure of the Governor to so nominate shall be an equivalent to a rejection of any person commissioned during the session in which the vacancy occurred or the recess following the final adjournment of the same; he shall have power to fill any vacancy that may occur during the recess of the Senate or within ten days before the final adjournment in the office of the Auditor General, State Treasurer, in a judicial office, or in any other elective office which he is or may be authorized to fill.

If a vacancy occurs during the session of the Senate, in an appointive or elective office, except within ten days before final adjournment, the Governor shall nominate to the Senate before final adjournment a proper person to fill said vacancy. If the Governor shall not so nominate, he shall not have the power to commission any person to fill such vacancy during the recess following the final adjournment of such session.

In the case of a vacancy in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall occur within sixty days immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office.

No person nominated for an office of trust or profit under the government of this state, who fails to receive confirmation before recess, shall be eligible to appointment to such office during recess. In acting on executive nominations, the Senate shall sit with open doors, and, in confirming or rejecting nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

In the present Constitution this section reads as follows: He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to

such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal. (Amendment of November 2, 1909.)

Pardoning Power.

Section 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Information from Department Officials.

Section 10. He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Messages to Legislature.

Section 11. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he may judge expedient.

Special Sessions of Legislature.—Adjournments.—Special Sessions of Senate.

Section 12. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

When Lieutenant Governor Shall Act.

Section 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

Vacancy in Office of Lieutenant Governor.

Section 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the president pro tempore of the Senate; and the president pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate; *and the Secretary of the Commonwealth, or in case of a vacancy in that office, then the Attorney General, shall in like manner become Governor if a vacancy or disability shall occur in the office of the Governor during a vacancy in both the office of Lieutenant Governor and the office of president pro tempore of the Senate.*

Approval of Bills.—Veto.

Section 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting ~~for~~ and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation, within thirty days after such adjournment.

Partial Disapproval of Appropriation Bills.

Section 16. The Governor shall have power to disapprove of *or reduce* any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the *part or parts* [item or items] of appropria-

tion disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Contested Election of Governor or Lieutenant Governor. Holding Over.

Section 17. The chief justice of the supreme court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Secretary of the Commonwealth.

Section 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the general assembly, and perform such other duties as may be enjoined upon him by law.

Secretary of Internal Affairs.

Section 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the state as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the general assembly.

Superintendent of Public Instruction.

Section 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the superintendent of common schools, subject to such changes as shall be made by law.

Terms of Executive Department Officers.—Ineligibility to Re-election.

Section 21. The term of [*Secretary of Internal Affairs,*] the Auditor General and the State Treasurer shall each be four years, and they shall be chosen by the qualified electors of the state at general elections; [*but a State Treasurer elected in the year one thousand nine hundred and nine shall serve for three years, and his successor*

shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter.] No person elected to the office of Auditor General or State Treasurer shall be *eligible [capable of holding]* to hold the same office for two consecutive terms.

Seal.—Commissions.

Section 22. The present great seal of Pennsylvania shall be the seal of the state. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and be sealed with the state seal and signed by the Governor.

ARTICLE V.

THE JUDICIARY.

Judicial Power.

Section 1. The judicial power of this commonwealth shall be vested in a supreme court, a *superior court*, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, *district peace judges*, [*magistrates courts*] and in such other courts as the general assembly may from time to time establish.

Supreme Court.

Section 2. The supreme court shall consist of [*seven judges*] *nine justices learned in the law*, who shall be elected by the qualified electors of the state at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. *The justice oldest in commission* [*judge whose commission shall first expire*] shall be chief justice, and thereafter each [*judge*] *justice* whose commission shall first expire shall in turn be chief justice.

Jurisdiction of Supreme Court.

Section 3. The jurisdiction of the supreme court shall extend over the state, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the commonwealth whose jurisdiction extends over the state, but shall not exercise any other original jurisdiction; they

shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Superior Court.

Section 3-A. *The superior court shall consist of seven judges learned in the law, who shall be elected by the qualified electors of the state at large. They shall hold their office for the term of sixteen years, if they so long behave themselves well, and shall not be eligible for re-election. The judge oldest in commission shall be president judge.*

Jurisdiction of Superior Court.

Section 3-B. *Until otherwise directed by law the jurisdiction and powers of the superior court shall be and continue as at present established.*

Common Pleas Courts.—Powers of Judges.—Certiorari.—Election of Judges.—Chancery Powers.

Section 4. *The court of common pleas in each judicial district shall consist of such judge or judges learned in the law as the legislature may determine are required in the particular district. These judges shall be elected by the qualified electors of the district. They shall hold office for a term of ten years, if they so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the general assembly. The judge oldest in commission shall be the president judge, but any president judge re-elected in the same court or district shall continue to be the president judge thereof. Not more than four counties shall at any time be included in one judicial district organized for said courts.*

The courts of common pleas shall have original and general jurisdiction in all civil causes and shall exercise the powers and have, subject to such changes as may be made by law, such jurisdiction as is now vested in the courts of common pleas of this commonwealth, and as is now provided by the acts of assembly heretofore passed, and such other powers as may be from time to time by law conferred upon them.

The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth, or as may hereafter be conferred upon them by law. They shall have appellate jurisdiction in appeals from the justices of the peace and district peace judges; they shall, within their respective districts, have power to issue writs of certiorari to justices

of the peace and to other inferior courts not of record and to cause their proceedings to be brought before them, and right and justice to be done.

The judges of the courts of common pleas shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery and of the orphans' court except in such judicial districts as now have separate orphans' courts or where by law separate orphans' courts may be created, and within their respective districts shall be justices of the peace as to criminal matters.

The section, besides the new matter indicated by the italics, incorporates the provisions of section 9 as amended, section 10, section 15 as amended, and section 20.

In the present Constitution, section 4 reads as follows: Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Section 9 in the present Constitution reads as follows: Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

Section 10 in the present Constitution reads as follows: The judges of the common pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

Section 15 in the present Constitution reads as follows: All judges required to be learned in the law, except the judges of the supreme court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the general assembly.

Section 20 in the present Constitution reads as follows: The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth, or as may hereafter be conferred upon them by law.

Judicial Districts.—Associate Judges.

Section 5. Whenever a county shall contain [*forty*] *fifty* thousand inhabitants it [*shall*] *may* constitute a separate judicial district, and *when so constituted* shall elect one judge learned in the law, and the general assembly shall provide for additional judges learned in the law, as the business of the said district may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts, as the general assembly may provide. The office of associate judge not learned in the law is abolished [*in counties forming separate districts*], but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Courts of Common Pleas of Philadelphia and Allegheny Counties.

Section 6. *In the county of Philadelphia the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have*

been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The judge oldest in commission shall be the president judge, but any president judge re-elected shall continue to be the president judge.

The number of judges in said court may be by law increased or decreased from time to time.

In the county of Allegheny there shall also be but one court of common pleas composed of all the judges in commission in said courts with jurisdiction, organization and power as now established, subject to such changes as may be provided by law, and subject to change of venue as provided by law. The judge oldest in commission shall be the president judge, but any president judge re-elected shall continue to be the president judge.

The number of judges in said court may be by law increased from time to time.

The said courts in the counties of Philadelphia and Allegheny, respectively, shall from time to time in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

This section deals with subjects which, in the present Constitution, are dealt with in sections 6 and 8.

Section 6 in the present Constitution reads as follows: In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated, respectively, as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased from time to time and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law.

The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption. (Amendment of November 7, 1911.)

Section 8 in the present Constitution reads: The said courts in the counties of Philadelphia and Allegheny, respectively, shall from time to time in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

Prothonotary of Philadelphia.—Salaries.—Fees.

Section 7. *For Philadelphia county there shall be one prothonotary's office, the prothonotary to be appointed by the judges of said*

court and to hold his office for three years, subject to removal by a majority of said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said court; and he and his assistants shall receive fixed salaries to be determined by law and paid by said county; all fees collected in said office except such as may be due to the commonwealth shall be paid by the prothonotary into the county treasury.

This section in the present Constitution reads as follows: For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Criminal Courts of Philadelphia and Allegheny Counties.

Section 8. Included in section 6.

Powers of Judges of the Common Pleas Courts.

Section 9. Amended, and as amended, included in section 4.

Certiorari to Courts Not of Record.

Section 10. Included in section 4.

Justices of the Peace.—Aldermen.—Term.—Residence.—Number.

Section 11. *For the better administration of justice, the general assembly shall provide for the division of the several counties of the commonwealth, except the county of Philadelphia, into convenient districts to be known as justice of the peace districts. Cities containing a population of fifty thousand inhabitants or less, as determined by the last United States decennial census, shall separately, or when joined with one or more boroughs or townships or both, constitute separate districts. All other cities shall have one district for each fifty thousand inhabitants ascertained as aforesaid, to any of which districts may be added one or more boroughs or townships or both. Boroughs, towns or townships may constitute separate districts, or may be joined with other boroughs, towns or townships. After each United States decennial census new districts may be created or the boundaries of existing districts altered; but in no case under this section shall boroughs or townships be divided.*

One justice of the peace shall be chosen for each district, shall be elected by the qualified electors of the respective districts at a municipal election, and shall hold office for a term of six years from the first Monday of January next ensuing, if he shall so long behave himself well.

Justices of the peace shall have been inhabitants of their respective districts two years next before their election (unless absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of office. In districts containing a city, justices of the peace shall have been residents of the city for said period and shall be learned in the law. The said justices shall be removed from office for reasonable cause found by the proper court of common pleas after hearing and upon petition setting forth the said cause, signed by at least five hundred inhabitants of the proper district, or in the manner prescribed by article VI of this Constitution.

Vacancies in the said office of justice of the peace shall be filled by the Governor.

Justices of the peace, as herein provided for, shall have the same jurisdiction and powers as are now conferred upon and exercised by justices of the peace, and such as may be conferred by law.

They shall receive a salary for all services rendered in any judicial proceedings, which shall be in lieu of all other compensation, and which shall be fixed by law and paid by the proper county. All fees received for any such services shall be paid into the respective county treasury for the use of the county.

Justices of the peace and aldermen now in office shall serve out their unexpired terms, after which time the offices of justice of the peace and alderman, as they existed immediately prior to the adoption of this Constitution, are hereby abolished.

The general assembly shall, upon the adoption of this Constitution, regulate the costs in proceedings before justices of the peace, shall provide for the relief of persons who by reason of poverty are unable to pay such costs, and shall enact such other laws as may be necessary to fully carry the several provisions of this act into effect.

This section in the present Constitution reads as follows: Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district. (Amendment of November 2, 1909.)

District Peace Courts in Philadelphia.—Boundaries.—Jurisdictions.—Disposition of Fines, Fees, Etc.

Section 12. The general assembly shall divide the county of Philadelphia into eighteen numbered districts of compact territory, as nearly equal in population as shall be possible. After each United States decennial census the court of common pleas may change the boundaries of any districts and may create new districts, the num-

ber of which, however, together with the districts in existence, shall never exceed more than one for each one hundred thousand of population of said county.

A court not of record of police and civil causes, to be known as a district peace court and with jurisdiction not exceeding three hundred dollars, is hereby established in each of such districts, to be composed of one judge learned in the law, and who shall be known as a district peace judge. Such court shall have such civil and criminal jurisdiction as is from time to time exercised by justices of the peace. The general assembly may change their powers and jurisdiction, but no law shall be passed increasing the amount of their civil jurisdiction or imposing on them political duties. It shall also regulate the costs of proceedings in such courts and shall provide for the relief of persons who by reason of poverty are unable to pay such costs. Rules of practice and procedure shall be prescribed by the court of common pleas of Philadelphia county.

Judges shall be chosen at a municipal election by the qualified electors of the respective districts and shall hold office for a term of six years from the first Monday of January next ensuing, if they shall so long behave themselves well. Such judges shall have been inhabitants of their respective districts two years next before their election (unless absent on the public business of the United States or of this state), and shall reside in their respective districts during their terms of office. They shall be removed from office for reasonable cause found by the court of common pleas of the county after hearing and upon petition setting forth said cause, signed by at least five hundred electors of the proper district, or they may be removed in the manner prescribed by article VI of this Constitution.

Vacancies in the office of district peace judges shall be filled by the Governor.

The said judges shall receive a salary for all judicial services rendered by them, which shall be in lieu of all other compensation and which shall be fixed by law and paid by the county. All fees, fines and penalties in said courts shall be paid into the county treasury.

Magistrates now in office shall serve out their unexpired terms, after which time the office of magistrate and magistrates' courts in Philadelphia are hereby abolished.

The general assembly shall, upon the adoption of this Constitution, enact such laws as may be necessary to fully carry into effect the several provisions of this section.

This section in the present Constitution reads as follows: In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said

county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished. (Amendment of November 2, 1909.)

Disposition of Fines, Fees, Etc.

Section 13. Dropped. Included in section 12.

This section in the present Constitution reads: All fees, fines and penalties in said courts shall be paid into the county treasury.

Appeals from Summary Convictions.

Section 14. In all cases of summary conviction in this commonwealth or of judgment in suit for a penalty before a judicial officer [*magistrate*], or court not of record, either party may appeal to such court of record *and on such terms* as may be prescribed by law [*upon allowance of the appellate court or judge thereof upon cause shown*].

Election of Judges.—Term.—Removal.

Section 15. Dropped. Amended, and as amended, included in section 4.

Voting for Supreme Court Judges.

Section 16. Dropped.

This section in the present Constitution reads as follows: Whenever two judges of the supreme court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Priority of Commission.

Section 17. Should any two or more judges of the supreme court, or any two or more judges of the court of common pleas for the same district be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Compensation of Judges.

Section 18. The [*judges*] *justices* of the supreme court, *the judges of the superior court* and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, *which may be increased at any time but not diminished during the term for which a justice or judge shall have been appointed or elected.* *This compensation shall be fixed by law and paid by the state, unless otherwise provided herein.*

Residence of Judges.

Section 19. The [*judges*] *justices* of the supreme court *and the judges of the superior court* during their continuance in office shall reside within this commonwealth; and the other judges during their continuance in office shall reside within the districts from which they shall be respectively elected.

Chancery Powers.

Section 20. Included in section 4.

Duties of Judges, Etc.

Section 21. *No duties shall be imposed upon any judge except such as are judicial. The general assembly shall enact such legislation as is necessary to transfer the appointing power now vested in courts or judges, and after such transfer no court or judge shall exercise any power of appointment except as herein provided.*

This section in the present Constitution reads as follows: No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of nisi prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established.

Orphans' Court.

Section 22. In every county wherein the population shall exceed one hundred and fifty thousand the general assembly shall, and in any other county may, establish a separate orphans' court to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and power vested in or which may hereafter be conferred upon the orphans' court, and thereupon the jurisdiction of the judges of the court of common pleas within such county in orphans' court proceedings shall cease and determine. In any county in which a separate orphans' court shall be established the register of wills shall be clerk of such court and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said orphans' court shall be audited by the court without expense to parties, except where all parties interested in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. *The orphans' court shall have such jurisdiction as is now or may hereafter be provided by law. [In every county orphans' courts shall possess all the powers and jurisdiction of a register's court, and separate registers' courts are hereby abolished].*

Style of Process.—Indictments.

Section 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Appeals to Supreme Court in Criminal Cases.

Section 24. *In all cases of felonious homicide the accused, after conviction and sentence, may remove the indictment, record and all*

proceedings to the supreme court for review, and in such other criminal cases as may be provided for by law the accused, after conviction and sentence, may remove the indictment, record and proceedings to either the superior court or supreme court for review, as the general assembly may provide.

This article in the present Constitution reads as follows: In all cases of felonious homicide, and in such other criminal cases as may be provided by law, the accused after conviction and sentence may remove the indictment, record and all proceedings to the supreme court for review.

Litigants May Dispense With Jury Trial.

Section 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first election, *as provided in this Constitution for such office, which shall occur sixty or more days* after the happening of such vacancy.

Uniform Laws for Courts.—Certain Courts Prohibited.

Section 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the general assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.

Litigants May Dispense with Jury Trial.

Section 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Section 27-A. *The general assembly shall provide by law, applicable to all courts of record and such other courts as it may deem proper, for the employment of counsel who shall be paid by the county under an order of court, and also for relief from the payment of the costs of litigation in the case of any litigant in said courts who shall be unable without great hardship to employ such counsel and pay such costs, or either; and the general assembly may also provide that the costs of litigation may be classified or graded according to the amount in controversy.*

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Power of Impeachment.

Section 1. The House of Representatives shall have the sole power of impeachment.

Trials of Impeachment.

Section 2. All impeachments shall be tried by the Senate; when sitting for that purpose the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Officers Liable to Impeachment.—Judgment.

Section 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Tenure of Office.—Removals from Office.

Section 4. All officers shall hold their offices on the condition that they behave themselves well while in office *and on conviction of misbehavior in office or of any infamous crime, in addition to the penalties provided by law the court shall order the removal of such officer from office [and shall be removed on conviction of misbehavior in office or of any infamous crime]*. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the general assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

OATH OF OFFICE.

Official Oath.—How Administered.

Section 1. Senators and representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court *and the superior court*, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the supreme court or of a court of common pleas, learned in the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

Qualifications of Electors.

Section 1. Every [*male*] citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the general assembly may enact:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the state one year (or, having previously been a qualified elector or native-born citizen of the state, he shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He shall have resided in the election district where he shall offer to vote at least *sixty days* [*two months*] immediately preceding the election.

4. [*If twenty-two years of age and upwards, he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before the election.*]

General Elections.

Section 2. The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto; provided, that such election shall always be held in an even-numbered year.

Municipal Elections.—Election of Judges and County Officers.

Section 3. All judges elected by the electors of the state at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the general assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto; provided, that such election shall be held in an odd-numbered year; provided further, that all judges for the courts of the several judicial districts holding office at the present

time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year.

Method of Conducting Elections.—Secrecy.

Section 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law; provided, that secrecy in voting be preserved.

Privileges of Electors.

Section 5. Electors shall in all cases except treason, felony and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

Voting When Engaged in Military Service.

Section 6. Whenever any of the qualified electors of this commonwealth shall be in actual military service, under a requisition from the President of the United States or by the authority of this commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Registration of Electors.—Uniformity of Election Laws.

Section 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the state, but laws regulating and requiring the registration of electors may be enacted to apply to cities only; provided, that such laws be uniform for cities of the same class.

Bribery at Elections.—Challenging of Electors.

Section 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Violation of Election Laws.

Section 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud or willful violation of any election law shall be forever disqualified from holding an office of trust or profit in this commonwealth; and any person convicted of willful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Witnesses in Contested Elections and Election Investigations.

Section 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

Election Districts.

Section 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

Elections by Persons in Representative Capacity.

Section 12. All elections by persons in a representative capacity shall be *viva voce*.

Residence of Electors.

Section 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this state or of the United States, nor while engaged in the navigation of the waters of the state or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poorhouse or other asylum at public expense, nor while confined in public prison.

Election Officers.

Section 14. District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Disqualifications for Election Officers.

Section 15. No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the government of the United States or of this state, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the state; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Overseers of Elections.

Section 16. The courts of common pleas of the several counties of the commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Trial of Contested Elections.

Section 17. The trial and determination of contested elections of electors of President and Vice-President, members of the general assembly, and of all public officers, whether state, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the general assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

ARTICLE IX.

TAXATION AND FINANCE.

Taxes to Be Uniform.

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Exemption From Taxation Limited.

Section 2. The general assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity; *but in all cases in which exemption is claimed for property used wholly or in part for educational purposes on the ground that the same is an actual place of religious worship or a purely public charity, the exemption shall be allowed only where the language of instruction is English and where the educational standards are at least as high as the standards of public schools of a similar grade. All other exemptions shall be void.*

Taxation of Corporations.

Section 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Limitation on State Debt.

Section 4. *No debt shall be created by or on behalf of the state except to supply casual deficiencies of revenue not exceeding one million dollars, repel invasion, suppress insurrection, defend the state in war, pay existing debts, or, with the approval of two-thirds of all the members elected to each House, improve and rebuild the highways of the commonwealth and acquire land within the commonwealth for forest purposes; provided, however, that no such indebtedness for highways shall be incurred in excess of one hundred and fifty million dollars,*

or for forest purposes in excess of twenty-five million dollars, and such indebtedness shall only be created with the consent of the electors of the state voting thereon at a public election in the manner provided by law.

This section in the present Constitution reads as follows: No debt shall be created by or on behalf of the state, except to supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the state in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million dollars.

Limitation on State Loans.

Section 5. All laws, authorizing the borrowing of money by and on behalf of the state, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

State Credit Not to Be Pledged.

Section 6. The credit of the commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the commonwealth become a joint owner or stockholder in any company, association or corporation.

Municipalities Not to Become Stockholders in Corporations Nor Loan Credit.

Section 7. Amended and transferred. See new article on municipalities, section 21.

Debts of Municipalities.—Debt of Philadelphia.

Section 8. Dropped. See new article on municipalities, section 22.

Municipal Debt Not to Be Assumed by State.—Exceptions.

Section 9. The commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been enacted to enable the state to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the state in the discharge of any portion of its present indebtedness.

Tax to Liquidate Municipal Debts.

Section 10. Dropped. Included in new article on municipalities, section 23.

State Sinking Fund.

Section 11. To provide for the payment of the present state debt, and any additional debt contracted as aforesaid, the general assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal

thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the state not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Surplus State Funds—Investments.

Section 12. *Dropped.*

In the present Constitution this section reads as follows: The moneys of the state, over and above the necessary reserve, shall be used in the payment of the debt of the state, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this state.

Reserve Funds Limited.—Monthly Statements of Reserve Funds.

Section 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Punishment for Misuse of State Moneys.

Section 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the state, or member or officer of the general assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Municipal Indebtedness of Certain Public Works.

Section 15. *Dropped.* Included in new article on municipalities, section 22.

Place of Paying Taxes.

Section 15-A. *The legislature shall provide that taxpayers may pay all taxes at one office in each city and borough.*

ARTICLE X.

EDUCATION.

Public School System.

Section 1. The general assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of this commonwealth [*above the age of six years*] may be educated, *including the care and education of the deaf, the dumb and the blind [and shall appropriate at least one million dollars each year for that purpose]*.

Diversion of School Moneys to Sectarian Schools.

Section 2. No money raised for the support of the public schools of the commonwealth shall be appropriated to or used for the support of any sectarian school.

Women Eligible as School Officers.

Section 3. Dropped.

In the present Constitution this section reads as follows: Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this state.

ARTICLE XI.

MILITIA.

Militia to Be Organized.—Maintenance.—Exemption From Service.

Section 1. The freemen of this commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The general assembly shall provide for maintaining the militia by appropriations from the treasury of the commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.

PUBLIC OFFICERS.

Election of State and Local Public Officers.

Section 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law; provided, that elections of state officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.

Incompatible Offices.

Section 2. No member of Congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The general assembly may by law declare what offices are incompatible.

Punishment for Dueling.**Section 3. Dropped.**

In the present Constitution this section reads: Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.**NEW COUNTIES.****Limitation on Erection of New Counties.**

Section 1. Transferred. See new article on municipalities, section 3.

ARTICLE XIV.**COUNTY OFFICERS.****County Offices.**

Section 1. Transferred. See new article on municipalities, section 13.

Election of County Officers.—Terms.—Vacancies.

Section 2. Amended, and as amended, included in new article on municipalities, section 7.

Qualifications.

Section 3. Transferred. See new article on municipalities, section 8.

Where Offices Shall Be Kept.

Section 4. Transferred. See new article on municipalities, section 9.

Compensation of County Officers.—Fees.

Section 5. Amended, and as amended, included in new article on municipalities, section 10.

Accountability of Municipal Officers.

Section 6. Amended, and as amended, transferred to new article on municipalities, section 11.

County Commissioners and Auditors.

Section 7. Amended, and as amended, included in new article on municipalities, section 14.

ARTICLE XV.
CITIES AND CITY CHARTERS.

When Cities May Be Chartered.

Section 1. Dropped.

This section in the present Constitution reads as follows: Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

Debts Incurred by Municipal Commissions.

Section 2. Transferred. See new article on municipalities, section 20.

City Sinking Fund.

Section 3. Dropped. See new article on municipalities, section 23.

ARTICLE XVI.
PRIVATE CORPORATIONS.

Certain Unused Charters Void.

Section 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Conditions Imposed on Certain Benefits to Corporations.

Section 2. The general assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

State's Right of Eminent Domain.—Police Power.

Section 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the general assembly from taking the property and franchise of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

Corporate Elections.

Section 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Foreign Corporations.

Section 5. No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Corporate Powers.—Real Estate.

Section 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it hold any real estate except as may be necessary and proper for its legitimate business.

Stocks and Bonds.—Increase of Indebtedness.

Section 7. *Shares of stock having par value shall be issued only for the equivalent of such par value in money, labor done or property actually received; but subject to such provisions respecting public notice as may be made by the general assembly, and subject to the power of the general assembly directly or through an administrative agency to regulate issues of stock of public service companies, a corporation may issue additional full-paid shares for a consideration in money, labor or property equal to the current market value of its shares theretofore issued. Neither the stock nor indebtedness of corporations shall be increased except in pursuance of general law nor without the consent of the person holding the larger amount in value of the stock first obtained at a meeting to be held after thirty [sixty] days' notice given in pursuance of law.*

In the present Constitution this section reads as follows: No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

Property Taken, Injured or Destroyed by Private and Municipal Corporations.

Section 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The general assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Banking Laws.

Section 9. Every banking law shall provide for the registry and countersigning, by an officer of the state, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Revocation and Alteration of Corporate Charters.—New Charters.

Section 10. The general assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators. [*No law hereafter enacted shall create, renew or extend the charter of more than one corporation.*]

Bank Charters.

Section 11. *The general assembly shall have the power by general law to provide for the incorporation of banks and trust companies, and to prescribe the powers thereof.*

This section in the present Constitution reads as follows: No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Regulation of Telegraph Lines.

Section 12. As amended, section 2-A of article XVII.

This section in the present Constitution reads as follows: Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this state, and to connect the same with other lines, and the general assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Joint-Stock Companies or Associations Treated as Corporations.

Section 13. The term "corporation" as used in this *and in the next succeeding* article shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

Corporations for Public Service.

Section A-1. *The general assembly, by general laws or through such agency as it may from time to time create, shall have power to regulate public service and the business of all corporations engaged therein.*

Railroads and Canals to Be Public Highways and Common Carriers.—Connection With Other Lines.

Section 1. Dropped.

This section in the present Constitution reads as follows: All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars loaded or empty, without delay or discrimination.

Stock Transfer Office.—Books.

Section 2. Dropped.

This section in the present Constitution reads as follows: Every railroad and canal corporation organized in this state shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Regulation of Telegraph Lines.

Section 2-A. *Any corporation organized for the purpose shall have the right to construct and maintain lines of telegraph or telephone within this state and to connect same with other lines.*

No Discrimination in Service.

Section 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the state or coming from or going to any other state. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Consolidation Permitted.

Section 4. *Subject to such regulations as shall be prescribed by general law or by such agency as may be constituted from time to time by the general assembly, corporations for public service may consolidate with or purchase the property of or may, through stock ownership or otherwise, acquire and exercise the control of other corporations formed for the same or a kindred purpose.*

This section in the present Constitution reads as follows: No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of such corporation other railroad or canal corporation owning or having under its control a parallel

or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Limitation of Powers.

Section 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

Officers Not to Be Interested in Contracts.

Section 6. Dropped.

This section in the present Constitution reads as follows: No president, director, officer, agent or employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Discrimination and Preferences Prohibited.

Section 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Passes Prohibited.

Section 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company.

Street Railways.

Section 9. Dropped. Included in new article on municipalities, section 17.

Acceptance of These Articles.

Section 10. No railroad, canal or other [*transportation company*] *public service corporation*, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Section 11. Dropped.

This section in the present Constitution reads as follows: The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Enforcement of This Article.

Section 12. The general assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

How Constitution May Be Amended.

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the general assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the state in such manner, and at such time at least three months after being so agreed to by the two Houses, as the general assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

ARTICLE (New) MUNICIPALITIES.

Kinds of Municipalities.

Section 1. The municipalities of this commonwealth are counties, townships, cities, boroughs, school districts, and such other incorporated districts as the general assembly shall by law create.

Creation of Boundaries.

Section 2. The general assembly may provide for the creation, division and change of boundaries of municipalities.

New Counties.

Section 3. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants, nor shall any county be formed of less area or containing a less population, nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

This is article XIII, section 1, of the present Constitution.

Cities and Boroughs.—Creation and Change of Boundaries.

Section 4. No city or borough shall be created, nor shall the boundaries thereof be changed except by the consent of at least a majority of such electors resident within the proposed boundaries including a majority of such electors residents within the proposed added area as shall vote on the proposed change at an election which shall be held as may be provided by law; nor shall any change in boundaries be made which shall place outside the existing limits of a city or borough any part thereof without the consent of at least a majority of such electors resident within the proposed excluded area as shall vote.

Incorporated Districts.

Section 5. The general assembly, in order to facilitate public works for the benefit of two or more municipalities, may provide for the creation of classes of incorporated districts which may extend over more than one municipality and may vest in such incorporated district one or more of the powers vested by law in the municipalities within their respective boundaries and additional powers, and may make any power so vested an exclusive power or a power concurrent with the municipalities wholly or partly within their respective boundaries. No such incorporated district shall be created or its boundaries extended or its powers increased except by the consent of at least a majority of such electors resident within the proposed boundaries of the incorporated district as shall vote on the question at an election which shall be held as may be provided by law. No incorporated district shall be created entirely within the boundaries of a city or borough.

Special Commissions Prohibited.

Section 6. The general assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

This is article III, section 20, of the present Constitution.

Election.—Appointment of County Officers.

Section 7. County commissioners, sheriffs and treasurers shall be elected. All other municipal officers shall be elected or appointed by an officer or agency of the municipality as may be provided by law.

This is article XIV, section 2, of the present Constitution as amended. In the present Constitution this section reads as follows: County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law. (Amendment of November 2, 1909.)

Residence of County Officers.

Section 8. No person shall be appointed to any office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

This is article XIV, section 3, of the present Constitution.

Certain County Officers to Have Offices in County Town.

Section 9. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs shall keep their offices in the county town of the county in which they respectively shall be officers.

This is article XIV, section 4, of the present Constitution.

Compensation of County Officers.

Section 10. The compensation of county officers shall be regulated by law, and all fees which county officers may be authorized to receive shall be paid into the treasury of the county or state as may be directed by law.

All county officers shall be paid only by salary for services performed for the county, state or any political subdivision of either, or for any other official service.

This is article XIV, section 5, of the present Constitution as amended. The present Constitution reads as follows: The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or state, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Accountability of Municipal Officers.

Section 11. The general assembly shall provide by law for the strict accountability of all municipal [county, township and borough] officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

This is article XIV, section 6, of the present Constitution.

Section 12. As reported by committee not adopted.

County Officers.

Section 13. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys, and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

This is article XIV, section 1, of the present Constitution.

County Commissioners and County Auditors.

Section 14. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and twenty-three, one for two years, and two for four years; and every two years thereafter one and two alternately for four years; and in the election of said officers for a four-year term each qualified voter shall vote for one person; any casual vacancy in the office of county commissioner or county auditor shall be filled by the Governor by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

This is an amendment of article XIV, section 7, of the present Constitution, which reads as follows: Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled. (Amendment of November 2, 1909.)

Section 15. New. As reported by committee not adopted.

Section 16. New. As reported by committee not adopted.

Construction of Passenger Railways in Cities, Boroughs and Townships.

Section 17. No street passenger railway shall be constructed within the limits of any city, borough or township without the consent of its local authorities; *provided, that nothing in this Constitution shall be so construed as to restrict the police power of the state over the operation of public utilities.*

This is article XVII, section 9, of the present Constitution as amended.

Assessment of Benefits for Public Improvements.

Section 18. The general assembly may authorize assessments against all properties, whether abutting or not, which are particularly benefited by the construction, enlargement, laying out, widening grading or other improvement of public highways, parks, buildings or other public works by the state or any municipality thereof.

Extent of Land Permitted to Be Taken for Public Improvements.

Section 19. Whenever the public purpose for which land is taken can best be attained by acquiring more land than the commonwealth or the municipality proposes to retain, the commonwealth or the municipality, subject to such limitations as the general assembly may prescribe, may take all the land which in the judgment of the proper officials is needed for the attainment of such purpose and may thereafter dispose of portions thereof, subject to restrictions protective of the public interest.

Debts Incurred by Municipal Commissions.

Section 20. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

This is article XV, section 2, of the present Constitution.

Municipalities Not to Become Stockholders in Corporations, Etc., Nor Loan Credit.

Section 21. The general assembly shall not authorize any municipality [county, city, borough, township or incorporated district] to become a stockholder in any company, association or corporation or to obtain or appropriate money for, or to loan its credit to, any corporation, association [institution] or individual; but a lease by a municipality of a public service facility owned by it shall not be construed to violate the provisions of this section, although the principal consideration for the lease is the covenant of the lessee to use the facility under regulations protective of the public interest, or because the provision for a pecuniary return of the lessor is made contingent upon the earnings of the lessee's entire system.

This is article IX, section 7, of the present Constitution as amended.

Debts of Municipalities.—Certain Public Works.

Section 22. A municipality shall have the power, in the manner provided by law, to incur a net indebtedness to an amount not exceeding ten per centum upon the assessed value of the taxable property therein, but no indebtedness shall be incurred or no increase thereof made in excess of three per centum of such assessed valuation, except with the assent of a majority of the electors of the municipality voting at a public election.

In calculating the indebtedness of a municipality for the purpose of ascertaining its borrowing capacity, there shall be deducted from the indebtedness and disregarded in the calculation:

(a) The amount of any indebtedness incurred for public improvements secured by liens on such improvements and imposing no municipal obligation whatever.

(b) Any debt incurred to acquire public improvements, provided the net income derived from the property acquired for the period of five years immediately preceding its acquisition shall have been sufficient to have paid the interest and amortization charges for five years on such indebtedness.

(c) An amount equal to that capital sum which will yield at the legal rate of interest and amortization charges an annual revenue equal to the net revenue received by the municipality from any public improvement during the last preceding fiscal year, provided the debt incurred for the acquisition of the property has not been deducted under the provisions of clause (b) hereof.

This is a combination of article IX, sections 8 and 15. These sections read as follows:

Section 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven per centum upon the assessed value of the taxable property therein, but the debt of the city of Philadelphia may be increased in such amount that the total city debt of said city shall not exceed ten per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. In ascertaining the borrowing capacity of the said city of Philadelphia, at any time, there shall be excluded from the calculation and deducted from such debt so much of the debt of said city as shall have been incurred, and the proceeds thereof invested, in any public improvements of any character which shall be yielding to the said city an annual current net revenue. The amount of such deduction shall be ascertained by capitalizing the annual net revenue from such improvement during the year immediately preceding the time of such ascertainment; and such capitalization shall be estimated by ascertaining the principal amount which would yield such annual, current net revenue, at the average rate of interest, and sinking fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be deducted, may be prescribed by the general assembly. In incurring indebtedness for any purpose the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund sufficient to retire said obligations at maturity, the payment to such sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of the construction or improvement of public works of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work. (Amendment of November 4, 1918.)

Section 15. No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of water-works, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year;

and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by the three-fifths of the electors voting at a public election, in such manner as shall be provided by law. (Amendment of November 4, 1913.)

Sinking Fund.—Serial Bond Provisions.

Section 23. In incurring indebtedness any municipality may issue its obligations maturing not later than fifty years from the date thereof, and except as herein provided, shall create a sinking fund sufficient to retire such obligations at maturity, to which purpose said sinking fund shall be inviolably pledged. The payments to such sinking fund may be in equal or graded annual or other periodical installments. But such obligations may be made to mature serially, beginning one or more years after the date thereof, and not extending beyond fifty years from such date. No municipality shall incur any indebtedness unless it shall at or before the incurring thereof provide for the collection of an annual tax sufficient to pay the interest and also the principal of such debt at maturity. When serial obligations shall be issued as herein provided, the proceeds of the tax levied to pay the principal thereof shall in lieu of payment into a sinking fund be used for the discharge of such serial issues as they shall respectively mature, except that certificates of indebtedness or other obligations to mature within the current fiscal year may be issued in anticipation of the collection of current revenue. Where any indebtedness shall be incurred by any municipality for the purpose of the construction or acquisition of public works of any character from which income or revenue is to be derived by said municipality, or for the reclamation of land to be used for the construction of wharves or docks owned or to be owned by it, such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund or serial charges which may accrue thereon throughout the period of construction or acquisition, and until the expiration of one year after the completion thereof, but not extending beyond five years from the incurring of such debt, and said municipality shall not be required to levy a tax to pay said interest and sinking fund charges until the expiration of the said period of one year from the completion of such construction or acquisition.

This section is a combination of section 10 of article IX and section 3 of article XV. These sections reads as follows:

Article IX, section 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Article XV, section 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

INDEX TO CONSTITUTION AND
PRELIMINARY DRAFT



INDEX..

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Accountability of municipal officers,	XIV	6	Mun.	11
Accused, rights of,	1	9,10	I	9,10
Actions, damages for injuries, no limit to be placed on amount recoverable,	III	21	III	21
Institution of, in Philadelphia and Alle- gheny counties,	V	6	V	6
Style of process,	V	23	V	23
Address, right of,	I	20	I	20
Adjournment of legislature,	II	10,14	II	10,14
Administration of justice to be free,	I	11	I	11
Administrators, investments by,	III	22	III	22
Adoption of children by special law forbidden,	III	7	III	7
Agents, public, extra compensation prohibited,	III	11	III	11
Aldermen, abolished in Philadelphia,	V	12	.....	.....
Election of,	V	11	V	11
Special law forbidden affecting practice before or jurisdiction of,	III	7	III	7
Special laws affecting fees or powers of, forbidden,	III	7	III	7
Term of,	V	11	V	11
Allegheny county, common pleas courts in, ..	V	6,8	V	6
Criminal courts,	V	8	V	6
Alleys, special laws forbidden,	III	7	III	7
Alteration of government, a right of the people,	I	2	I	2
Of highways by special laws, forbidden.	III	7	III	7
Amendment of bills,	III	1,4	III	1,3,4
Of laws,	III	6	.....	.....
To Constitution, how made,	XVIII	1	XVIII	1
Appeal (see also Courts):				
From assessment of damages in eminent domain,	XVI	8	XVI	8
From justices of the peace and district peace judges, .....	.....	.....	V	4
In cases of felonious homicide and other criminal cases,	V	24	V	24
Summary conviction,	V	14	V	14
Where trial by jury is dispensed with, ..	V	27	V	27
Appointing power of judges transferred, ....	.....	.....	V	21
Appointments by Governor,	IV	8	IV	8
Appointments to office longer than during good behavior forbidden,	I	24	I	24

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Apportionment (see Legislature).				
Appropriation bills, contents of,	III	3,15	III	3,15
Alternation by legislature, .....	.....	.....	III	15
May be vetoed in part,	IV	16	IV	16
Charitable, benevolent or educational in- stitutions,	III	17	III	17
For certain purposes forbidden,	III	18	III	18
For schools not to be diverted,	X	2	X	2
Introduction into House of Representa- tives, .....	.....	.....	III	15
Minimum for schools annually,	X	1	.....	.....
Of money from State Treasury,	III	16	III	16
Of private property,	I	10	I	10
Sectarian institutions,	III	18	III	18
Submission by Governor, .....	.....	.....	III	15
Vote on, .....	.....	.....	III	15
When action must be taken, .....	.....	.....	III	15
Arbitrators, special law forbidden, affecting practice or jurisdiction,	III	7	III	7
Arms, right to bear,	I	21	I	21
Army (see also Military Power; Militia; Sol- diers):				
Governor to be commander-in-chief,	IV	7	IV	7
Standing, in time of peace,	I	22	I	22
Arrest (see Elections; Legislature).				
Assemblages, peaceable, of citizens allowed,	I	20	I	20
Assembly, General (see Legislature).				
Assessment of benefits for public improve- ments, .....	.....	.....	Mun.	18
Associate judge (see Courts).				
Associations (see also Corporations):				
Special privilege to, forbidden,	III	7	III	7
Attainder, limited effect of,	I	19	I	19
Of treason or felony,	I	18	I	18
Attorney, accused has right to be heard by, ..	I	9	I	9
Attorney General, appointed by Governor, ..	IV	8	IV	8
Member of Board of Pardons,	IV	9	IV	9
Part of executive department,	IV	1	IV	1
To become Governor under certain cir- cumstances, .....	.....	.....	IV	14
Auditor General, certain duties of, transferred to Secretary of Internal Affairs,	XVII	11	.....	.....
Election of,	IV	21	IV	21
Filling vacancy in office of,	IV	8	IV	8
May not have two consecutive terms, ...	IV	21	IV	21
Must approve all contracts,	III	12	III	12
Part of executive department,	IV	1	IV	1
Term of,	IV	21	IV	21
Auditors (see also County):				
Special law forbidden affecting practice or jurisdiction,	III	7	III	7
Bail, except in capital cases, to be taken,	I	14	I	14

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Not to be excessive,	I	13	I	13
Ballot, elections to be by, or other method, ..	VIII	4	VIII	4
Banking laws,	XVI	9	XVI	9
Notes and bills to be secured,	XVI	9	XVI	9
Notice of application for charter,	XVI	11	.....	.....
Term of charter of corporation engaged in,	XVI	11	.....	.....
Benevolent institutions, appropriations to, ..	.....	.....	III	15,17
Bidders, lowest responsible to receive contracts,	III	12	III	12
Bills (see also Legislature; Appropriation Bills) :				
Amendments to must be printed,	III	4	III	4
Approval of by Governor,	IV	15	IV	15
Budget, .....	.....	.....	III	15
Conference reports on,	III	5	III	5
Contents of,	III	3,15	III	3,15
Disapproval by Governor,	IV	15	IV	15
Enacting clause to precede section 1, ..	.....	.....	III	2
Final passage of,	III	4	III	4
General appropriation bills, .....	.....	.....	III	15
Members privately interested in, not to vote on,	III	33	III	33
Notice required for local and special, ...	III	8	III	8
Passage of,	III	1,4	III	1,4
Providing for extra compensation to certain persons forbidden,	III	11	III	11
Reading of, at length,	III	4	III	4
Reference and printing of,	III	2	III	2
Retained by Governor,	IV	15	IV	15
Revenue, must originate in House,	III	14	III	14
Revenue recommendations by Governor, .	.....	.....	III	15
Signing of, by presiding officers,	III	9	III	9
Subject of,	III	3	III	3
Submission by Governor, .....	.....	.....	III	15
Title must be clearly expressed,	III	3	III	3
Veto of, by Governor,	IV	15	IV	15
Binding (see Printing and Binding).				
Board of Pardons,	IV	9	IV	9
Boards (see Elections).				
Boroughs (see Municipalities) :				
Boundaries of, .....	.....	.....	Mun.	2,4,5
Classification of, .....	.....	.....	III	7-A
Creation of, .....	.....	.....	Mun.	2,4
Creating offices in, by special law forbidden,	III	7	III	7
Debt of, limited,	IX	8	Mun.	22
Elections for officers,	VIII	3	VIII	3
Erection of, by special law, forbidden, ..	III	7	III	7
General provisions relating to, .....	.....	.....	Mun.	.....
Payment of taxes at one office, .....	.....	.....	IX	15-A

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Not to be authorized to become stockholder in corporation,	IX	7	Mun.	21
Special laws affecting officers of forbidden,	III	7	III	7
Special laws forbidden,	III	7	III	7
Street railways must secure consent of to lay tracks,	XVII	9	Mun.	17
Borrowing of money by municipalities,	IX	8,15	Mun.	22,23
Borrowing of money by state regulated,	IX	5	IX	5
Boundaries, boroughs, cities, counties, etc., .	.....	.....	Mun.	2,3,4,5
Breach of the peace, members of legislature guilty of, not privileged from arrest, .	II	15	II	15
Bribery, conviction of, to disqualify for office, ..	II	15	II	7
Of executive or judicial officers of state,	III	30,31,32	III	30,31,32
Of members of the legislature,	III	29,30,31,32	III	29,30,31,32
Of public officers,	III	31,32	III	31,32
Punishment for,	III	31,32	III	31,32
Testimony of witnesses,	III	32	III	32
Bridges, special laws relating to, forbidden, ..	III	7	III	7
When special laws for, may be passed, ..	III	7	III	7
Budget, when to be submitted; contents, ....	.....	.....	III	15
Bureau of Industrial Statistics,	IV	19	IV	19
Canals:				
Acceptance of constitutional provisions,	XVII	10	XVII	10
Books open for inspection,	XVII	2	.....	.....
Companies not to engage in other business,	XVII	5	XVII	5
Consolidation with competing lines forbidden,	XVII	4	.....	.....
Consolidation with competing lines regulated, .....	.....	.....	XVII	4
Declared to be common carriers,	XVII	1	.....	.....
Declared to be public highways,	XVII	— 1	.....	.....
Discrimination in charges or facilities not to be made,	XVII	3,7	XVII	3,7
General provisions relating to,	XVII	.....	XVII	.....
Must accept constitution,	XVII	10	XVII	10
Office to be maintained in state,.....	XVII	2	.....	.....
Officers not to be officers of competing line,	XVII	4	.....	.....
Officers not to engage in certain business, ..	XVII	6	.....	.....
Passes forbidden,	XVII	8	XVII	8
Regulation of transportation of property and persons,	XVII	3	XVII	3
Transportation privileges of mining or manufacturing companies,	XVII	5	XVII	5
Under supervision of Secretary of Internal Affairs,	XVII	11	.....	.....
Candidates for office, when disqualified,	VIII	9	VIII	9
Capital, state, restrictions in change of,	III	28	III	28
Capital offence, not bailable,	I	14	I	14
Casualty, death from, not to cause forfeiture, ..	I	19	I	19
Cemeteries, special laws relating to forbidden, ..	III	7	III	7

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Certiorari (see also Appeals) :				
To courts not of record,	V	10	V	4
Challenge of elector,	VIII	8	V	8
To fight duel, punishment for,	XII	3	.....	.....
Chancery, common pleas courts to have powers of,	V	20	V	4
Masters in, special laws concerning for- bidden,	III	7	III	7
Change of uame by special law, forbidden,....	III	7	III	7
Of venue,	III	23	III	23
V	V	6	V	6
Of venue by special law, forbidden,	III	7	III	7
Charitable institutions, appropriations to, ...	III	17	III	15, 17
Charters (see also Corporations) :				
Banks and trust companies, .....	.....	.....	XVI	11
City, general provisions relating to,	XV	.....	Mun.	2, 4, 5
Municipal, changing of by special law for- bidden,	III	7	III	7
Chief Justice (see Courts).				
Children, adoption or legitimation of by special law forbidden,	III	7	III	7
Cities (see also Municipalities).				
Boundaries of, .....	.....	.....	Mun.	2, 4, 5
Changing charter of by special law for- bidden,	III	7	III	7
Classification of, .....	.....	.....	III	7-A
Creation of, .....	.....	.....	Mun.	2, 4
Creating offices in, by special law, for- bidden,	III	7	III	7
Debt of, limited,	IX	8	Mun.	22
Elections for officers,	VIII	3	VIII	3
Mun.				
General provisions relating to,	XV	.....	XV	.....
Incorporation of by special law, forbidden,	III	7	III	7
Not to be authorized to become stockhold- ers in corporation,	IX	7	Mun.	21
One tax office, .....	.....	.....	IX	15-A
Representative apportionment in,	II	17	II	17
Senatorial districts in,	II	16	II	16
Sinking fund of,	XV	3	Mun.	23
Special laws relating to, forbidden,	III	7	III	7
Street railway must secure consent of, to lay tracks,	XVII	9	Mun.	17
When chartered,	XV	1	.....	.....
When debt may be incurred by municipal commission,	XV	2	Mun.	20
Civil, liberty,	Preamble.		Preamble.	
Power, military subordinate to,	I	22	I	22
Power, not to interfere with elections, ...	I	5	I	5
Claims against commonwealth not to be paid except lawfully authorized,	III	11	III	11

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Classification of boroughs, cities, counties, school districts, townships, .....	.....	.....	III	7-A
Clerk of Courts (see County).				
Color no obstacle to suffrage, .....	.....	.....	I	5-A
Collection of debts (see Debts).				
Commission of oyer and terminer or jail deliv- ery, prohibited,	I	15	I	15
Special, delegation of powers to, by legis- lature,	III	20	Mun.	6
Commissioner, special law forbidden affecting practice or jurisdiction,	III	7	III	7
Commissioners (see County).				
Commissions, to be sealed and signed by Gov- ernor,	IV	22	IV	22
Committee, sessions of legislative, to be open,..	II	13	II	13
Common Carriers, discrimination in charges or facilities not to be made,	XVII	3,7	XVII	3,7
Must accept constitutional provision,	XVII	10	XVII	10
Not to engage in other business, if a cor- poration,	XVII	5	XVII	5
Passes forbidden,	XVII	8	XVII	8
Railroads and canals to be,	XVII	1	.....	.....
Under supervision of Secretary of Inter- nal Affairs,	XVII	11	.....	.....
Common Pleas Courts (see Courts).				
Common Schools (see Superintendent of Pub- lic Instruction).				
Commonwealth, claims against, not to be paid except by law,	III	11	III	11
Credit of, not to be loaned or pledged, ...	IX	6	IX	6
Suits against,	I	11	I	11
Communication (see Telegraph; Corporations; Common Carriers).				
Commutation of sentence,	IV	9	IV	9
Company (see Corporations).				
Compensation, extra, forbidden to certain per- sons,	III	11	III	11
For property taken, injured or destroyed,	I	10	I	10
Of employes for injuries and occupational diseases,	III	21	III	21
Of judges,	V	18	V	18
Compulsory process, accused to have,	I	9	I	9
Concurrent orders, to be presented to Governor,	III	26	III	26
Resolutions to be presented to Governor,..	III	26	III	26
Vote to be presented to Governor,	III	26	III	26
Conference committee reports,	III	5	III	5
Confirmation of appointments by Governor, ..	IV	8	IV	8
Congress, members of, ineligible to legislature,	II	6	II	6
Member of, not to hold office in state, ...	IV	6	IV	6
	XII	2	XII	2
Consolidation of public service corporations, ..	XVII	4	XVII	4

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Conscience, right of,	I	3	I	3
Constables, special law affecting, forbidden, ..	III	7	III	7
Constitution, amendments, how made,	XVIII	1	XVIII	1
Schedule to,	Schedule.		.....	.....
Schedule to amendments of 1909,	Schedule.		.....	.....
Contempt in presence of legislature,	II	11	II	11
Contest of elections,	VIII	10,17	VIII	10,17
Contractors, public, extra compensation to pro- hibited,	III	11	III	11
Contracts, law impairing, forbidden,	I	17	I	17
Printing and binding,	III	12	III	12
State, members of legislature and state of- ficers not to be interested in,	III	12	III	12
State supplies, regulation of,	III	12	III	12
Controller (see County).				
Coroner (see County).				
Corporations (see also Canals; Common Car- riers; Public Service Corporations; Railroads; Street Railways).				
Acceptance of constitution requisite to benefits,	XVI	2	XVI	2
Banks, bills and notes to be secured,	XVI	9	XVI	9
Incorporation,	XVI	11	XVI	11
Notice of application for charter, ...	XVI	11	.....	.....
Term of charter,	XVI	11	.....	.....
Charters, held-subject to constitution, ...	XVI	2	XVI	2
One law not to include more than one,	XVI	10	.....	.....
Revocation or alteration of by state,.	XVI	10	XVI	10
Unused, to be void,	XVI	1	XVI	1
Compensation for property taken or in- jured by,	XVI	8	XVI	8
Consolidation permitted, .....	.....	.....	XVII	4
Consolidation prohibited,	XVII	4	.....	.....
Cumulative voting permitted,	XVI	4	XVI	4
Eminent domain regulated,	XVI	8	XVI	8
Fictitious increase of debt,	XVI	7	XVI	7
Foreign, regulation of,	XVI	5	XVI	5
Forfeiture of charter regulated,	XVI	2	XVI	2
General provisions relating to all,	XVI	.....	XVI	.....
Increase of stock or debt regulated,	XVI	7	XVI	7
Injurious, control of, by state,	XVI	10	XVI	10
Issue of stock regulated,	XVI	7	XVI	7
Manufacturing, transportation privileges of,	XVII	5	XVII	5
Meaning of word,	XVI	13	XVI	13
Mining, transportation privileges of,	XVII	5	XVII	5
Municipalities not to be authorized to be- come stockholders in,	IX	7	Mun.	21
Must not engage in other business,	XVI	6	XVI	6

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
No special limitation of time within which suit may be brought against,	III	21	III	21
Obligation of, owned by state,	III	24	III	24
Police power of state over, not to be abridged,	XVI	3	XVI	3
Private, general provisions relating to, ..	XVI	.....	XVI	.....
Public Service, special provisions relating to,	XVII	.....	XVII	.....
			Mun.	17
Real estate of, limited,	XVI	6	XVI	6
Special law affecting, forbidden,	III	7	III	7
Special privilege to, forbidden,	III	7	III	7
State retains right to take property,	XVI	3	XVI	3
Taxation of,	IX	3	IX	3
Telegraph, rights and limitations,	XVI	12	XVII	2-A
Trust companies, .....	.....	.....	XVI	11
Corrupt practices,	VIII	8,9	VIII	8,9
Solicitation, punishment of,	III	31	III	31
Witnesses compelled to testify,	III	32	III	32
Corruption of blood from attainder,	I	19	I	19
Costs, regulation of in justice of the peace courts, .....	.....	.....	V	11
Of litigation, relief from payment in any court, .....	.....	.....	V	27-A
Counsel, accused may have,	I	9	I	9
Counties (see also County Seat; Municipali- ties).				
Auditors, election, number, term, etc., ...	XIV	7	Mun.	14
Boundaries, .....	.....	.....	Mun.	2,4,5
Classification of, .....	.....	.....	III	7-A
Commissioners, election, number, term, etc.,	XIV	7	Mun.	7,14
To include city commissioners of Philadelphia,	Sch.I	33	.....	.....
Creating offices in, by special law, for- bidden,	III	7	III	7
Creation of, .....	.....	.....	Mun.	2,4
Debt of, limited,	IX	8,15	Mun.	22
Waterways, subways and railways, indebtedness for,	IX	15	Mun.	22
Election of officers,	VIII	3	VIII	3
	XIV	2	Mun.	7,14
General provisions relating to, .....	.....	.....	Mun.	.....
Lines, special law changing, forbidden, ..	III	7	III	7
May appoint officers to inspect or measure merchandise, etc.,	III	27	.....	.....
Guarantee titles to land,	Amdt.Nov.2,1915.		III	21-A
New limitation or erection of,	XIII	.....	Mun.	3
Special law for, forbidden,	III	7	III	7
Not to be authorized to become stock- holder in corporation,	IX	7	Mun.	21
Officers, accountability of,	XIV	6	Mun.	11

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Appointment of,	XIV	2	Mun.	8
Compensation of,	XIV	5,6	Mun.	10
Election of,	VIII	3	VIII	3
	XIV	2,7	Mun.	7,14
General provisions relating to,	XIV	.....	Mun.	.....
Office to be kept in county town,	XIV	4	Mun.	9
Residence required,	XIV	3	Mun.	8
Vacancy in certain, how filled,	XIV	7	Mun.	14
Who are,	XIV	1	Mun.	13
Representative apportionment in,	II	17	II	17
Senatorial districts in,	II	16	II	16
Sheriff not to succeed himself,	XIV	1	Mun.	13
Special law affecting officers of, forbidden,	III	7	III	7
Special laws forbidden,	III	7	III	7
Treasurer not to succeed himself, election of,	XIV	1	Mun.	13
Treasury (see Courts).				
County Seats, special law relating to forbidden,	III	7	III	7
Courts:				
Allegheny county,	V	6,8	V	6
Appeal to supreme or superior, in crim- inal cases,	V	24	V	24
Appellate jurisdiction of common pleas courts, .....	.....	.....	V	4
Associate judge abolished in certain coun- ties,	V	5	V	5
Judges, term of,	Sch.I	16	.....	.....
Certiorari to courts not of record,	V	10	V	4
Chancery powers,	V	20	V	4
Chief Justice, .....	.....	.....	V	2
Clerk of (see County).				
Common pleas courts,	V	4,5	V 4,5,6,7,8,18 19,21,25,26	
In Allegheny county,	V	6,8	V	6
In Philadelphia county,	V	6,7,8	V	6,7
Compensation of Judges,	V	18	V	18
Conflicting courts prohibited,	V	26	V	26
Residence of judges,	V	19	V	19
Vacancies,	V	25	V	25
Costs, regulation of, in justice of the peace courts, .....	.....	.....	V	11
Relief from payment of under certain circumstances, .....	.....	.....	V	27-A
District peace courts, .....	.....	.....	V	12
District peace judges, .....	.....	.....	V	1,12
Duties of judges limited,	V	21	V	21
Employment of counsel paid by county, ..	.....	.....	V	27-A
Fees, to be paid into county treasury, ...	V	7,13	V	7,11,12
Felonious homicide, appeal in case of, ...	V	24	V	24
Fines to be paid into county treasury, ...	V	13	V	12
General assembly may establish new,	V	1	V	1

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Injunction, jurisdiction of supreme court,	V	3	V	3
Institution of suits in Philadelphia and Allegheny counties,	V	6	V	6
Jail delivery, commission of, prohibited, .	I	15	I	15
Judges, appointive powers limited,	V	21	V	21
Compensation of,	V	18	V	18
Compensation, increase of, .....	.....	.....	III	13
Disqualification of,	V	18	.....	.....
Duties to be judicial only,	V	21	V	21
Election and term of,	V	2,15,16,17	V	2,3-A,4,6,12
	VIII	3	VIII	3
	Sch.2			
Increase in number of,	V	6	V	6
May not be removed by appointing power,	VI	4	VI	4
Of common pleas to be justices of the peace,	V	9	V	4
President judge, .....	.....	.....	V	3-A,4,6
Priority of commission,	V	17	V	17
Removal of,	V	15	V	4,12
	VI	4	VI	4
Residence of,	V	19	V	19
Terms of, .....	.....	.....	V	2,3-A,4
Vacancies in office of,	IV	8	IV	8
	V	25	V	25
When elected,	VIII	3	VIII	3
Judgment dockets in Philadelphia,	V	7	.....	.....
Judicial districts,	V	4,5	V	4,5
To be fixed decennially and not oftener,	Sch.I	14	.....	.....
Judicial power of state vested in certain,.	V	1	V	1
Jury trials, when parties may dispense with,	V	27	V	27
Justices (see Judges).				
Justices of the peace,	V	8,9,11	V	4,6,11
Justice of the peace districts, .....	.....	.....	V	11
Laws governing to be uniform,	V	26	V	26
Magistrates, in Philadelphia,	V	12	.....	.....
Mandamus, jurisdiction of supreme court,	V	3	V	3
New, certain prohibited,	V	26	V	26
Legislature may establish in connec- tion with system for registering, transferring, insuring and guaran- teeing land titles,	Amdt.Nov.2,1915.		III	21-A
Nisi prins, abolished,	V	21	.....	.....
Orphans,	V	1,9,22	V	1,4,22
Clerk of,	V	22	V	22
Conflicting court prohibited,	V	26	V	26
Powers and jurisdiction of,	V	22	V	22
Separate,	V	22	V	22
Oyer and Terminer,	V	1,3,8,9	V	1,3,4,6

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Penalties to be paid into county treasury,	V	13	V	12
Philadelphia county,	V	6,7,8	V	6,7
Police, in Philadelphia,	V	12	.....	.....
Process, style of,	V	23	V	23
Prosecutions, regulation of,	V	23	V	23
Prothonotary for Philadelphia,	V	7	V	7
Quarter sessions,	V	1,8,9	V	1,4,6
Quo warranto, jurisdiction of supreme court,	V	3	V	3
Shall be open,	I	11	I	11
Special laws forbidden affecting practice or jurisdiction,	III	7	III	7
Summary conviction, appeal from,	V	14	V	14
Superior court, .....	.....	.....	V 1,3-A,3-B, 18,19,21,24 25	
Appeals to, .....	.....	.....	V	24
Election of judges, .....	.....	.....	V	3-A
Jurisdiction, .....	.....	.....	V	3-B
Judges, compensation of, .....	.....	.....	V	18
residence of, .....	.....	.....	V	19
Vacancies, .....	.....	.....	V	25
Supreme court,	V 1,2,3,15,16 17,18,19,20 21,24,25		V 1,2,3,4,17 18,19,21,24 25	
Appeals to,	V	24	V	24
Chief Justice, .....	.....	.....	V	2
Compensation of justices,	V	18	V	18
Election of (judges) justices,	V	2,16,17	V	2,17
Justices to preside over new,	V	21	.....	.....
Residence of,	V	19	V	19
Jurisdiction of,	V	3	V	3
Number and term of justices,	V	2	V	2
Priority of commission,	V	17	V	17
Transfer of appointing power, .....	.....	.....	V	21
Uniform laws to govern all courts, ..	V	26	V	26
Vacancies in,	IV	8	IV	8
Writs of Certiorari,	V	4	V	4
Creation of debt limited, state, municipalities,.	IX XV	4,8 2	IX Mun.	4 22
Credit, Municipalities not to be authorized to loan,	IX	7	Mun.	21
Of state, not to be loaned,	IX	6	IX	6
Crimes, conviction of certain, to disqualify for office,	II	7	II	7
Criminal courts (see Courts):				
Law (see Courts).				
Prosecutions, rights of accused in,	I	9,10	I	9,10
Cumulative voting in corporations permitted,.	XVI	4	XVI	4
Damages, for personal injuries,	III	21	III	21
For taking or injuring property,	III	21	III	21

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Debt (see also Debts),	XVI	8	XVI	8
Certain not to be charged against the county or municipality,	IX	15	Mun.	22
City, sinking fund,	XV	3	Mun.	23
Credit of state not to be loaned,	IX	6	IX	6
Money borrowed by state shall be for spe- cified purpose,	IX	5	IX	5
Municipal, calculation of, .....	.....	.....	Mun.	22
Increase of, limited,	IX	8,15	Mun.	22
Limitation of,	IX	8,15	Mun.	22
Not to be assumed by state except in certain cases,	IX	9	IX	9
Philadelphia,	IX	8	.....	.....
Provisions for liquidation,	IX	10,15	Mun.	23
Serial bond provisions, .....	.....	.....	Mun.	23
Sinking fund,	IX	10,15	Mun.	23
State, all excess of revenue to be used to pay off,	IX	12	.....	.....
Regulation of,	IX	4	IX	4
Reserve moneys to be secured,	IX	13	IX	13
Sinking fund,	IX	11,12	IX	11
To be lien upon improvements,	IX	15	Mun.	22
Water-works, subways and railways,	IX	15	.....	.....
When incurred by municipal commission, ..	XV	2	Mun.	20
Debtors, imprisonment of,	I	16	I	16
Debts, special law forbidden affecting methods of collecting,	III	7	III	7
Declaration of Rights,	I	.....	I	.....
Defendant, in criminal proceedings, rights of, ..	I	9,10	I	9,10
Defense, right of citizens to bear arms for, ...	I	21	I	21
Delegation of authority by legislation for- bidden,	III	20	Mun.	6
Deodands prohibited,	I	19	I	19
Descent, special law changing, forbidden,	III	7	III	7
Disability, estate of persons under, special laws affecting,	III	7	III	7
Disqualification for holding office,	I	4	I	4
.....	II	7	II	7
County officers,	XIV	3	Mun.	8
Governor and Lieutenant Governor,	IV	6	IV	6
Incompatible offices,	XII	2	XII	2
Distinction, hereditary, prohibited,	I	24	I	24
District Attorney (see County).				
District Peace Courts, Judges (see Courts).				
Districts (see Courts; Elections; Legislature; School District).				
Divorees, granting by special law forbidden,...	III	7	III	7
Duel, punishment for fighting,	XII	3	.....	.....
Duties of judges, none to be imposed except judicial,	V	/21	V	21

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Education (see also Schools).				
Appropriations for, .....	.....	.....	III	15,17
Duties of Superintendent of Public In- struction,	IV	20	IV	20
General provisions relating to,	X	.....	X	.....
Minimum annual appropriation for,	X	1	.....	.....
Women eligible to offices in management of schools,	X	3	.....	.....
Educational institutions, appropriation to, ..	III	17	III	15,17
Exemption from taxation limited, .....	.....	.....	IX	2
Elections (see also County; Courts; Corpora- tions; Governor; Legislature):				
Board,	VIII	14,15,16	VIII	14,15,16
Borough officers,	VIII	3	VIII	3
Bribery or corruption of elector to dis- qualify,	VIII	8,9	VIII	8,9
By ballot or other prescribed method, ...	VIII	4	VIII	4
By representatives, to be viva voce,	VIII	12	VIII	12
Candidates, when disqualified,	VIII	9	VIII	9
Challenged voter to be sworn,	VIII	8	VIII	8
City officers,	VIII	3	VIII	3
Contested, gubernatorial,	IV	17	IV	17
How tried,	VIII	17	VIII	17
Witnesses may be compelled to testify, ..	VIII	10	VIII	10
County officers,	VIII	3	VIII	3
	XIV	2	XIV	2
			Mun.	7
Deprivation of right of suffrage,	VIII	9	VIII	9
District, how composed,	VIII	11	VIII	11
Electors privileged from arrest,	VIII	5	VIII	5
General provisions relating to,	VIII	.....	VIII	.....
	Sch.2			
Governor,	IV	2,17	IV	2,17
Interference with, prohibited,	I	5	I	5
Investigation of, witnesses compelled to testify,	VIII	10	VIII	10
Judges,	VIII	3	V	3-A,4,5,6
	.....	.....	VIII	3
Justices, .....	.....	.....	V	2
Laws must be uniform,	VIII	7	VIII	7
Members of legislature,	II	2,3	II	2,3
Method of conducting,	VIII	4	VIII	4
Municipal, when held,	VIII	3	VIII	3
Officers,	VIII	14,15,16	VIII	14,15,16
Disqualification of,	VIII	15	VIII	15
Privileges of,	VIII	14	VIII	14
Overseers, appointment of, by court,	VIII	16	VIII	16
Privilege from arrest, of electors,	VIII	5	VIII	5
Public officers, state and local,	VIII	3	VIII	3
	XII	1	XII	1
	XIV	2	Mun.	7

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Punishment for violation of laws govern- ing,	VIII	9	VIII	9
Qualification of electors,	VIII	1	VIII	1
Registration laws to be uniform,	VIII	7	VIII	7
Residence, when neither gained nor lost,	VIII	13	VIII	13
Right of suffrage,	I	5	I	5
Secrecy in voting required,	VIII	4	VIII	4
Shall be free and equal,	I	5	I	5
Soldiers in service may vote,	VIII	6	VIII	6
Special law affecting officers, etc., for- bidden,	III	7	III	7
Special laws relating to, prohibited,	III	7	III	7
To approve creation of state debts, .....	.....	.....	IX	4
Township officers,	VIII	3	VIII	3
Under constitutional amendment,	Sch.2	.....	.....	.....
Vacancies on boards,	VIII	14	VIII	14
Vacancies, elective officers,	IV	8	IV	8
Violation of laws governing,	VIII	9	VIII	9
Ward officers,	VIII	3	VIII	3
When held,	VIII	2	VIII	2
Electors (see Elections).				
Embezzlement, conviction of, to disqualify for office,	II	7	II	7
Emigration from the state allowed,	I	25	I	25
Eminent Domain by corporations, regulated, .	XVI	8	XVI	8
General provisions,	I	10	I	10
State's right to, not to be abridged,	XVI	3	XVI	3
Employers' Liability, legislature may enact laws fixing,	III	21	III	21
Employees (see also Legislature):				
Public, extra compensation prohibited, ..	III	11	III	11
Enacting clause of bills, .....	.....	.....	III	2
Enforcement of judgments (see Judgments).				
Enjoyment of life and liberty, right of,	I	1	I	1
Establishments, religious, no preference given to,	I	3	I	3
Estates of minors or persons under disability, special laws affecting,	III	7	III	7
Evidence against self, accused not to give, ...	I	9	I	9
Special law changing rules of, forbidden, ..	III	7	III	7
Executive, general provisions relating to,	IV	.....	IV	.....
Department, composition of,	IV	1	IV	1
Nominations by, action in Senate,	IV	8	IV	8
Executive agency, to prescribe standard for institutions receiving appropriations, .	.....	.....	III	15,17
Executors, investments by,	III	22	III	22
Exemption from taxation,	IX	1,2	IX	2
Jury duty, election officers may claim, ..	VIII	14	VIII	14
Military duty,	XI	1	XI	1
Of property from taxation forbidden by special law,	III	7	III	7

	Present		Preliminary	
	Constitution.		Draft.	
	Art.	Sec.	Art.	Sec.
Ex Post Facto law,	I	17	I	17
Expropriation of private property,	I	10	I	10
Expulsion of member of legislature,	II	11	II	11
Extension of laws, regulation of,	III	6	III	6
Fees, county officers,	XIV	5,6	Mun.	10,11
Court, to be paid into county treasury, ..	V	7,13	V	7,11,12
Of aldermen, justices of peace, magistrates or constables, special law regulating forbidden,	III	7	III	7
Felony, attainder of,	I	18	I	18
Member of legislature guilty of, not privileged from arrest,	II	15	II	15
Ferries, special law relating to, forbidden, ...	III	7	III	7
Finance (see also Taxation):				
General provisions relative to,	IX	.....	IX	.....
Fines, Governor may remit,	IV	9	IV	9
Not to be excessive,	I	13	I	13
Remitting of by special law, forbidden, ..	III	7	III	7
To be paid into county treasury,	V	13	V	7,12
Fire arms (see Arms).				
Foreign corporations, regulation of,	XVI	5	XVI	5
Forests, creation of debt to acquire, .....	.....	.....	IX	4
Forfeitures for suicide, prohibited,	I	19	I	19
Governor may remit,	IV	9	IV	9
Of estate from attainder,	I	19	I	19
Remitting of, by special law forbidden, ..	III	7	III	7
Freedom, men are born in,	I	1	I	1
Of elections,	I	5	I	5
Of press,	I	7	I	7
Freight, discrimination in transportation of, prohibited,	XVII	3,7	XVII	3,7
Fuel used by state to be bought by contract, ..	III	12	III	12
General Appropriation Bills, general provision relating to, .....	.....	.....	III	15
General Assembly (see Legislature; Elections).				
Government, any branch of, may be examined,	I	7	I	7
Free, founded on authority of people, ...	I	2	I	2
People have right to alter, reform or abolish,	I	2	I	2
Governor, general provisions relating to,	IV	.....	IV	.....
Appointing power of,	IV	8	IV	8
Appointments to fill judicial vacancies, ..	V	25	V	25
	IV	8	IV	8
Approval or disapproval of concurrent orders, resolutions or votes,	III	26	III	26
Commander of army and navy of state, ..	IV	7	IV	7
Concurrent orders, resolutions and votes to be presented to,	III	26	III	26
Contested election of,	IV	2,17	IV	2,17
Contracts to be approved by,	III	12	.....	.....

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Death or disability of,	IV	13,14	IV	13,14
Election of,	IV	2	IV	2
Eligibility of,	IV	3,5,6	IV	3,5,6
Impeachment of,	VI	3	VI	3
May adjourn legislature in certain cases,	IV	12	IV	12
May approve or veto bills,	IV	15	IV	15
May convene legislature or Senate in special session,	IV	12	IV	12
May remit fines and forfeitures,	IV	9	IV	9
May require information from officers of executive department,	IV	10	IV	10
May veto appropriation bills in part, ...	IV	16	IV	16
Messages of,	IV	11	IV	11
Must approve certain contracts,	III	12	.....	.....
Nominations by, action in Senate,	IV	8	IV	8
Pardoning power of,	IV	9	IV	9
Qualifications of,	IV	5,6	IV	5,6
Record of official acts of, to be kept by Secretary of the Commonwealth,	IV	18	IV	18
Shall submit a budget, appropriation bills, bills recommending sources of revenue, .....	.....	.....	III	15
Shall submit plan of distribution of ap- propriations for certain purposes, ....	.....	.....	III	15
Supreme executive power vested in,	IV	2	IV	2
Term of,	IV	3,17	IV	3,17
To approve certain state contracts,	III	12	.....	.....
To sign all commissions,	IV	22	IV	22
Vacancy in office of,	IV	13,14	IV	13,14
Veto power,	III	26	III	26
	IV	15,16	IV	15,16
When liable to impeachment,	VI	3	VI	3
Gratuities for military service, appropriations for,	III	18	III	18
Graveyards, special laws relating to, forbidden,	III	7	III	7
Grievances, right to petition for redress of, ..	I	20	I	20
Grounds (see Public Grounds).				
Guardians, investments by,	III	22	III	22
Habeas corpus, jurisdiction of supreme court,	V	3	V	3
When suspended,	I	14	I	14
Happiness, right of pursuing,	I	1,2	I	1,2
Heads of Departments, to be part of execu- tive department, .....	.....	.....	IV	1
Hereditary distinction, prohibited,	I	24	.....	.....
Highways, creation of debt to improve and re- build, .....	.....	.....	IX	4
Public, railroads and canals declared to be,	XVII	1	.....	.....
Special or local laws concerning forbidden,	III	7	III	7
Homicide, appeal to supreme court,	V	24	V	24
House of Representatives (see Legislature).				

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Immunities, special law granting irrevocable, forbidden,	I	17	I	17
Impeachment, general provisions relating to, .	VI	.....	VI	.....
Governor may not pardon for,	IV	9	IV	9
House to have sole power of,	VI	1	VI	1
Result of judgment of,	VI	3	VI	3
Tried only by Senate,	VI	2	VI	2
Who liable to,	VI	3	VI	3
Imprisonment for debt,	I	16	I	16
Incompatible Officers,	XII	2	XII	2
What are,	IV	6	IV	6
Incorporated districts, general provisions re- lating to, .....	.....	.....	Mun.	.....
Special classes of, .....	.....	.....	Mun.	5
Incorporations (see also Corporations).				
Of municipalities by special law forbidden,	III	7	III	7
Indebtedness (see Debt).				
Indefeasible rights, men have,	I	1,3	I	1,3
Independent, men are born,	I	1	I	1
Indictment, prosecutions by,	I	9,10	I	9,10
Wording or conclusion of,	V	23	V	23
Individual, special privilege to any, forbidden,	III	7	III	7
Industrial statistics, bureau of,	IV	19	IV	19
Infamous crime, conviction of, to disqualify for office,	II	7	II	7
Information in criminal causes, limited,	I	10	I	10
Prosecutions by,	I	9	I	9
Inherent rights, of mankind,	I	1	I	1
Injunction, jurisdiction of supreme court, ...	V	3	V	3
Injury to lands, goods, person or reputation, legal remedy for every,	I	11	I	11
Injuries, no limit to amount of damages for, ..	III	21	III	21
Of employes, legislature may enact laws providing compensation for,	III	21	III	21
Survival of action for,	III	21	III	21
Insolvent debtors, imprisonment of,	I	16	I	16
Inspection of merchandise, etc., state office for, forbidden,	III	27	.....	.....
Institutions, appropriations to,	III	17	III	15,17
Instruction, public, superintendent, part of executive department,	IV	1	IV	1
Insurrection, creation of debt to suppress, ..	IX	4,9	IX	4,9
Interest, special law fixing rate of, forbidden,	III	7	III	7
Internal Affairs, filling vacancy in office of secretary,	IV	8	.....	.....
Secretary of, duties,	IV	19	IV	19
Appointment and term of,	XVII	11	.....	.....
Election and term of,	IV	8	IV	8
Member of pardon board,	IV	21	.....	.....
Part of executive department,	IV	9	IV	9
		1	IV	1

	Present		Preliminary	
	Constitution.		Draft.	
	Art.	Sec.	Art.	Sec.
Supervision over common carriers, ..	XVII	11	.....	.....
Term of,	IV	21	IV	21
Invasion of the state,	I	14	I	14
	IX	4,9	IX	4,9
Investigations, public, may be published,	I	7	I	7
Investment of trust funds, restrictions on,	III	22	III	22
Jail delivery, commission of, prohibited,	I	15	I	15
Jeopardy, twice in,	I	10	I	10
Joint-stock companies (see Corporations).				
Journal (see Legislature).				
Judges (see Courts).				
Judgment of peers,	I	9	I	9
Judgments (see also Courts) :				
Dockets for, in Philadelphia,	V	7	.....	.....
Special law forbidden affecting methods of enforcing,	III	7	III	7
Judicial districts (see Courts).				
Judicial sale of real estate, special law for- bidden, prescribing effect of,	III	7	III	7
Judiciary (see Courts).				
Jurisdiction (see Courts).				
Jury, election officers exempted from service on,	VIII	14	VIII	14
When parties may dispense with trial by,	V	27	V	27
Jury trial, guaranteed in certain criminal causes,	I	9	I	9
Right to,	I	6,9	I	6,9
Justice to be administered without delay, de- nial or sale,	I	11	I	11
Justices of the supreme court (see Courts; Supreme Court).				
Justices of the peace, certiorari to,	V	10	V	4
Election, jurisdiction, number, salary, ...	V	11	V	11
Judges of common pleas to be,	V	9	V	4
Special laws affecting forbidden,	III	7	III	7
Special law forbidden affecting practice or jurisdiction,	III	7	III	7
Justices of the peace districts, .....	.....	.....	V	11
Labor, special law regulating, forbidden,	III	7	III	7
Land, extent of, permitted to be taken for public improvements, .....	.....	.....	Mun.	19
Taken for public improvements may be disposed of, .....	.....	.....	Mun.	19
Land titles, laws may be passed for register- ing, transferring, insuring and guaran- teeing,	Amdt.Nov.2,1915.		III	21-A
Laues (see Highways).				
Law, ex post facto, forbidden,	I	17	I	17
Of the land, in criminal causes,	I	9	I	9
Laws (see also Legislature) :				
Amendment of, by title, prohibited,	III	6	.....	.....

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Forbidden where courts already have power to give relief,	III	7	III	7
Form of amendment, extension and re- vival of, .....	.....	.....	III	6
Granting irrevocable privileges or immu- nities forbidden,	I	17	I	17
May be passed providing a system of reg- istering, transferring, insuring and guaranteeing land titles, .....Amdt. Nov. 2, 1915.			III	21-A
Repeal of, permitted,	III	7	III	7
Revival of, by title, prohibited,	III	6	.....	.....
Suspension of, limited,	I	12	I	12
Lawyer, accused may have,	I	9	I	9
Laying out of highways by special law for- bidden,	III	7	III	7
Legal investments,	III	22	III	22
Legislation (see also Legislature).				
General provisions relating to,	III	.....	III	.....
Legislative power, how vested,	II	1	II	1
Legislature:				
Action of Senate on executive nominations,	IV	8	IV	8
Action on appropriation bills, .....	.....	.....	III	15
Adjournment,	II	10,14	II	10,14
	.....	.....	III	15
	IV	12	IV	12
Amendment of bills,	III	1,4	III	1,4
Amendment of laws,	III	6	III	6
Apportionment of members,	II	16,17,18	II	16,17,18
Appropriation bills may be vetoed in part,	IV	16	IV	16
Biennial meetings,	II	4	II	4
Bills, action upon budget, general and other appropriation bills, .....	.....	.....	III	15,17
Passed to be presented to Governor,	IV	15	IV	15
Retained by Governor,	IV	15	IV	15
Returned without executive approval,	IV	15	IV	15
Revenue to originate in House,	III	14	III	14
To be read at length on three differ- ent days,	III	4	III	4
To be referred to committee, returned therefrom and printed,	III	2	III	2
To have but one subject clearly ex- pressed in title,	III	3	III	3
Bribery of members,	III	29,30,31,32	III	29,30,31,32
Classification of counties, cities, etc., ....	.....	.....	III	7-A
Committee, session to be open,	II	13	II	13
Compensation of members,	II	8	II	8
Of officers and employes,	III	10	III	10
Compulsory attendance of absent members,	II	10	II	10
Coneurrent orders, resolutions or votes to be presented to executive,	III	26	III	26

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Concurring in amendments,	III	5	III	5
Conferring provisions of law,	III	6	.....	.....
Confirmation of nominations,	IV	8	IV	8
Conviction of certain crimes to disqualify for,	II	7	II	7
Corporate charters may be altered or re- voked by,	XVI	10	XVI	10
Creation of municipalities, .....	.....	.....	Mun.	1,2
Each branch to keep journal,	II	12	II	12
Election of members,	II	2	II	2
Employees, numbers, duties and compen- sation of, to be fixed,	III	10	III	10
Executive nominations,	IV	8	IV	8
Ex post facto law,	I	17	I	17
Expulsion of members,	II	11	II	11
Extension of provisions of laws,	III	6	III	6
Final passage of bills,	III	4	III	4
General provisions relating to,	II	.....	II	.....
Governor may adjourn in certain cases, .	IV	12	IV	12
May convene on extraordinary occa- sions,	IV	12	IV	12
May convene Senate in special session,	IV	12	IV	12
To give information to,	IV	11	IV	11
House of Representatives, part of,	II	1	II	1
Adjournment without consent of Sen- ate,	II	14	II	14
Districts,	II	17,18	II	17,18
Speaker of,	II	9	II	9
	III	9	III	9
To have sole power of impeachment,	VI	1	VI	1
Increase of salary or mileage during term, forbidden,	II	8	II	8
Journals to be kept and published,	II	12	II	12
When yea and nay vote must be re- corded on,	III	4,5,26	III	4,5,26
	IV	15	IV	15
Laws to be passed by bill,	III	1	III	1
Liens not to be specially created, extended or impaired,	III	7	III	7
Lieutenant Governor to be president of Senate,	IV	4	IV	4
Local laws forbidden in certain cases, ..	III	7	III	7
May establish new courts,	V	1	V	1
May fix day for holding municipal election,	VIII	3	VIII	3
May pass laws providing a system for registering, transferring, insuring and guaranteeing land titles,	Amdt. Nov. 2, 1915.		III	21-A
Meetings of,	II	4	II	4
Member, ineligible to certain office,	II	6	II	6
Must disclose interest in bill,	III	33	III	33

	Present		Preliminary	
	Constitution.		Draft.	
	Art.	Sec.	Art.	Sec.
Of Congress ineligible to,	II	6	II	6
Oath of office,	VII	.....	VII	.....
Officers,	II	9	II	9
	III	10	III	10
Numbers, duties and compensation to be fixed,	III	10	III	10
Passage of bills,	III	1,2,3,4,5, 6,7,8,9	III	1,2,3,4,5, 6,7,8,9
Power to alter appropriation bills, .....	.....	.....	III	15
Power to punish for contempt,	II	11	II	11
Powers of each branch,	II	11	II	11
President of Senate,	II	9	II	9
	IV	4,14	IV	4,14
Privileges of members,	II	15	II	15
Proceeding, journal of, to be kept and published,	II	12	II	12
Of, may be criticised,	I	7	I	7
Public officers ineligible to,	II	6	II	6
Punishment for contempt not to bar in- dictment,	II	11	II	11
Qualifications of members,	II	5,6,7,8,11	II	5,6,7,8,11
Quorum,	II	10	II	10
Reports of conference committees,	III	5	III	5
Representative districts,	II	17,18	II	17,18
Residence of members,	II	5	II	5
Revival of laws,	III	6	III	6
Rules of procedure,	II	11	II	11
Senate a part of,	II	1	II	1
Action on executive nominations, ...	IV	8	IV	8
Adjournment without consent of House,	II	14	II	14
Districts,	II	16,18	II	16,18
Presiding officers,	II	9	II	9
	IV	4,14	IV	4,14
Qualifications of members,	II	5,6,7,8,11	II	5,6,7,8,11
Special session of,	IV	12	IV	12
Term of members,	II	3	II	3
To try all impeachments,	VI	2	VI	2
Vacancy in,	II	2	II	2
Senatorial district,	II	16,18	II	16,18
Sessions of,	II	4	II	4
Special,	III	25	III	25
To be open,	II	13	II	13
Signing of bills by presiding officers,	III	9	III	9
Speaker of the House,	II	9	II	9
	III	9	III	9
Special laws prohibited on certain sub- jects,	III	7	III	7
Special session,	II	4	II	4
	III	25	III	25
Of Senate,	IV	12	IV	12

	Present		Preliminary	
	Constitution.		Draft.	
	Art.	Sec.	Art.	Sec.
Speech or debate in, member not to be questioned for,	II	15	II	15
Term of members,	II	2,3	II	2,3
Vacancy in,	II	2	II	2
Vote on appropriation bills, .....	.....	.....	III	15
Vote on final passage of bills,	III	4	III	4
To be entered on journal on request, ..	II	12	II	12
To be viva voce,	VIII	12	VIII	12
Legitimation of children by special law, forbidden,	III	7	III	7
Liability or obligation of corporations, owned by state,	III	24	III	24
Libel,	I	7	I	7
Liberty, civil and religious,	Preamble.		Preamble.	
	I	1,9	I	1,9
Depriving, accused of,	I	9	I	9
Right of enjoying and defending,	I	1	I	1
Liens, special or local laws concerning,	III	7	III	7
Lieutenant Governor,	IV	1	IV	1
Contested election of,	IV	2,17	IV	2,17
Disability of,	II	9	II	9
	IV	14	IV	14
Election and term of,	IV	4,17	IV	4,17
Eligibility of,	IV	3,4,5,6	IV	3,4,5,6
Member of pardon board,	IV	9	IV	9
President of Senate,	IV	4	IV	4
Qualifications of,	IV	4,5,6	IV	4,5,6
Vacancy in office of,	II	9	II	9
	IV	14	IV	14
Life, depriving accused of,	I	9	I	9
Not to be twice in jeopardy for same offense,	I	10	I	10
Right of enjoying and defending,	I	1	I	1
Limitation of action,	III	21	III	21
Of damages for injuries, forbidden,	III	21	III	21
Of state debt,	IX	4	IX	4
Local bills, notice of, required,	III	8	III	8
Certain, forbidden,	III	7	III	7
Magistrates (see also Courts; Justices of the Peace; District Peace Judges).				
Court, appeal from summary conviction, ..	V	14	.....	.....
Courts in Philadelphia,	V	12	.....	.....
Courts in Philadelphia abolished, .....	.....	.....	V	12
Special law affecting, forbidden,	III	7	.....	.....
Maintaining highway by special law forbidden, ..	III	7	III	7
Mandamns, jurisdiction of supreme court, ...	V	3	V	3
Manufacturing, common carriers not to engage in,	XVII	5	XVII	5
Company, transportation privileges of, ..	XVII	5	XVII	5
Masters in chancery, special law forbidden affecting practice or jurisdiction,	III	7	III	7

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Measuring of merchandise, etc., state office for the, forbidden,	III	27	.....	.....
Meetings of legislature,	II	4	II	4
Member of Congress, ineligible to legislature,..	II	6	II	6
Members of legislature (see Legislature).				
Message of Governor,	IV	11	IV	11
Mileage, members of legislature,	II	8	II	8
Militia (see also Army; Military Power; Sol- diers; Standing Army):				
Governor to be commander of,	IV	7	IV	7
General provisions relating to,	XI	1	XI	1
Military Power (see also Army; Elections; Militia; Soldiers; Standing Army):				
Not to interfere with elections,	I	5	I	5
Subordinate to civil power,	I	22	I	22
Mining, common carriers not to engage in, ..	XVII	5	XVII	5
Company, transportation privileges of, ..	XVII	5	XVII	5
Regulation by special law forbidden,	III	7	III	7
Ministry, no man compelled to maintain,	I	3	I	3
Minors, special laws affecting estate of,	III	7	III	7
Modes of worship, no preference given to,	I	3	I	3
Money, how payments may be made from state treasury,	III	16	III	16
Moneys, state, conversion of, to private use, ..	IX	14	IX	14
Refund of by special law, forbidden,	III	7	III	7
Reserve to be secured,	IX	13	IX	13
Municipal commissions, debts of,	XV	2	Mun.	20
Municipal elections, when held,	VIII	3	VIII	3
Municipalities (see also Boroughs; Cities; Counties; Townships; School Districts; Street Railways):				
Accountability of officers of,	XIV	6	Mun.	11
Boundaries of, .....	.....	.....	Mun.	2,3,4,5
City sinking fund,	IX	10	Mun.	23
.....	XV	3		
Classification of, .....	.....	.....	III	7-A
Corrupt solicitation of officers of,	III	31,32	III	31,32
Debt of, general provisions concerning, ..	IX	8,15	Mun.	22,23
Not to be assumed by state,	IX	9	IX	9
Provision to be made for liquidation,	IX	10	Mun.	23
Division of, .....	.....	.....	Mun.	2,4
Eminent domain regulated,	XVI	8	XVI	8
Functions of, not to be delegated to special commission, etc.,	III	20	Mun.	6
Kinds of, .....	.....	.....	Mun.	1
Incurring of debt by municipal commis- sion,	XV	2	Mun.	20
Interference with by special commission forbidden,	III	6	Mun.	6
Lease of public service facilities, .....	.....	.....	Mun.	21

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
May appoint officers to inspect or measure merchandise,	III	27	.....	.....
Not to be authorized to become stockhold- ers in corporations,	IX	7	Mun.	21
Not to loan credit,	IX	7	Mun.	21
Public improvements, assessment of bene- fits for, .....	.....	.....	Mun.	18
Debts to acquire, .....	.....	.....	Mun.	22
Extent of land to be taken for, .....	.....	.....	Mun.	19
Serial bond provisions, .....	.....	.....	Mun.	23
Sinking fund, provisions for,	IX	10	Mun.	23
Street railways in,	XVII	9	Mun.	17
Water-works, subways, railways, etc., in- debtedness for,	IX	15	.....	.....
Navy, Governor to be commander-in-chief, ...	IV	7	IV	7
Names, special laws changing, forbidden,	III	7	III	7
New counties,	XIII	1	Mun.	3
Nisi prius courts, abolished,	V	21	.....	.....
Nobility, titles of prohibited,	I	24	I	24
Nominations by Governor, action of Senate on,	IV	8	IV	8
Normal schools, appropriations to,	III	17	.....	.....
Oath of office,	VII	.....	VII	.....
Obligation of contracts, laws impairing, for- bidden,	I	17	I	17
Of corporations, owned by state,	III	24	III	24
Occupational diseases, legislature may enact laws providing compensation for,	III	21	III	21
Office (see also Officers; Offices).				
Appointments to, beyond term of good be- havior, forbidden,	I	24	I	24
Certain crimes to disqualify for,	II	7	II	7
Oath of,	VII	.....	VII	.....
Race, color or sex not to disqualify for holding, .....	.....	.....	I	5-A
Religious sentiments not to disqualify for holding,	I	4	I	4
Removal from,	V	15	V	4,11,12
	VI	3,4	VI	3,4
	VII	.....	VII	.....
	XII	3	XII	3
Right to hold, .....	.....	.....	I	5-A
Officers (see also Elections; Legislature; Of- fice; Offices).				
County, accountability of,	XIV	6	Mun.	11
Compensation of,	XIV	5,6	Mun.	10
Election of,	XIV	2	Mun.	7
General provisions relating to,	XIV	.....	Mun.	.....
Office to be kept in county town, ...	XIV	4	Mun.	9
Residence required,	XIV	3	Mun.	8
Vacancies,	XIV	2	.....	.....
Elected by people, how removed,	VI	4	VI	4

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Federal, not to hold state office,	XII	2	XII	2
Not eligible to legislature,	II	6	II	6
Municipal, appointment of, .....	.....	.....	Mun.	7
Election of, .....	.....	.....	Mun.	7
Public, corrupt solicitation of,	III	31,32	III	31,32
Dueling by,	XII	3	.....	.....
Extension of term prohibited,	III	13	III	13
Extra compensation forbidden,	III	11,13	III	11,13
Incompatible offices,	XII	2	XII	2
Ineligible to legislature,	II	6	II	6
Local election of,	XII	1	XII	1
Salary, except judges, not to be changed after election, .....	.....	.....	III	13
Salary not to be changed after elec- tion or appointment,	III	13	III	13
Term not to be extended after elec- tion or appointment,	III	13	III	13
Removal from office,	V	15	V	4,11,12
	VI	3,4	VI	3,4
	VII	.....	VII	.....
	XII	3	.....	.....
Special laws affecting, prohibited,	III	7	III	7
State, election of,	XII	1	XII	1
When liable to removal from office,	VI	4	VI	4
Offices (see also Elections; Office; Officers):				
Incompatible,	XII	2	XII	2
Opening of highways by special law forbidden,	III	7	III	7
Orphans' court (see Courts).				
Orphans of soldiers, appropriations to institu- tions for,	III	19	III	19
Overseers of election,	VIII	16	VIII	16
Oyer and terminer (see also Courts).				
Commission of, prohibited,	I	15	I	15
Paper (see Printing and Binding).				
Pardon Board,	IV	9	IV	9
Pardons, manner of granting,	IV	9	IV	9
Passenger railways (see Street Railways).				
Passes, may not be granted by common car- riers,	XVII	8	XVII	8
Peace Courts, Judges (see District Peace Courts).				
Peers, judgment of,	I	9	I	9
Penalties (see also Fees; Fines; Forfeitures):				
Remitting of, by special law forbidden, ..	III	7	III	7
To be paid into county treasury,	V	13	V	12
Pensions, appropriations for,	III	18	III	18
People, free government founded on author- ity of,	I	2	I	2
Have right to alter, reform, and abolish government,	I	2	I	2
Power inherent in,	I	2	I	2

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Perjury, conviction of, to disqualify for office,	II	7	II	7
Punishment for, in certain cases,	VII	1	VII	1
Persons under disability, special laws affecting estates of,	III	7	III	7
Petition, right of,	I	20	I	20
Philadelphia, aldermen abolished,	V	12	.....	.....
Commissioners to be county commis- sioners,	Sch.I	33	.....	.....
Common pleas courts in,	V	6,7,8	V	6,7
Criminal courts in,	V	8	.....	.....
Debt of, for certain purposes, authorized, ..	IX	8	.....	.....
District peace courts, .....	.....	.....	V	12
Increase in number of judges in,	V	6	V	6
Magistrates' courts,	V	12,13	.....	.....
Police courts in,	V	12	.....	.....
Prothonotary,	V	7	V	7
Suits, how instituted,	V	6	V	6
Place, one of paying taxes, .....	.....	.....	IX	15-A
Place of trust or profit, religious sentiments not to disqualify for holding,	I	4	I	4
Of worship, no man compelled to support or attend,	I	3	I	3
Plan (see Plats).				
Plats, town, special law relating to forbidden,	III	7	III	7
Police courts in Philadelphia,	V	12	V	12
Police powers of state not to be abridged in relation to corporations,	XVI	3	XVI	3
Not to be restricted in operation of pub- lic utilities, .....	.....	.....	Mun.	17
Population, classification according to, for pur- poses of legislation, .....	.....	.....	III	7-A
Powers (see Privileges) :				
Special, granting to special commissions forbidden,	III	20	Mun.	6
President pro tempore of Senate,	II	9	II	9
Press, printing to be free,	I	7	I	7
Print. citizens may, on any subject,	I	7	I	7
Printing and binding, how to be done,	III	12	III	12
Printing press to be free,	I	7	I	7
Prisoners to be bailable,	I	14	I	14
Private corporations (see Corporations) :				
Property taken for public use (see Emi- nent Domain).				
Privilege of electors from arrest,	VIII	5	VIII	5
Privileges and powers, granting of, by special law in certain cases, forbidden,	III	7	III	7
Of members of legislature,	II	15	II	15
Special laws granting irrevocable, for- bidden,	I	17	I	17
Process, how styled,	V	23	V	23

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Property (see also Eminent Domain; Real Estate):				
Assessment against for public improve- ments, .....	.....	.....	Mun.	18
Depriving accused of,	I	9	I	9
Exemption of, from taxation by special laws, forbidden,	III	7	III	7
Right of acquiring, etc.,	I	1	I	1
Prosecutions, how carried on,	V	23	V	23
Ending phrase in all,	V	23	V	23
Public trial guaranteed in,	I	9	I	9
Prothonotary (see also County):				
Philadelphia county,	V	7	V	7
Public agents, extra compensation to, pro- hibited,	III	11	III	11
Contractors, extra compensation to, pro- hibited,	III	11	III	11
Grounds (other than state), special laws relating to, forbidden,	III	7	III	7
Improvements in municipalities:				
Assessment of benefits for, .....	.....	.....	Mun.	18
Debts to acquire, .....	.....	.....	Mun.	22
Extent of land to be taken for, .....	.....	.....	Mun.	19
Instruction, superintendent of, appoint- ment of,	IV	8	IV	8
Duties,	IV	20	IV	20
Part of executive department,	IV	1	IV	1
Investigations may be published,	I	7	I	7
Public officers (see also Officers; Offices):				
General provisions relative to,	XII	.....	XII	.....
Servants, employes, agents and contrac- tors, extra compensation to, forbidden, ..	III	11	III	11
Public printing and supplies, how to be se- cured,	III	12	III	12
Public schools (see also Schools).				
Money therefor not to be used for secta- rian purposes,	X	2	X	2
Provision to be made for,	X	1	X	1
Special laws affecting, forbidden,	III	7	III	7
Public service corporations:				
General provisions relating to,	XVI	.....	XVI	.....
Special provisions relating to,	XVII	.....	XVII	.....
Street passenger railways, .....	.....	.....	Mun.	17
Public service facilities:				
Lease of, by municipalities, .....	.....	.....	Mun.	21
Public servants, extra compensation to, pro- hibited,	III	11	III	11
Punishments not to be cruel,	I	13	I	13
Quarter sessions courts (see Courts).				
Quorum in legislature,	II	10	II	10
Quo warranto, jurisdiction of Supreme court, ..	V	3	V	3

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Race shall not be obstacle to suffrage, .....	.....	.....	I	5-A
Railroads (see also Corporations; Canals):				
Acceptance of constitutional provisions, ..	XVII	10	XVII	10
Books open for inspection,	XVII	2	.....	.....
Connection with other lines,	XVII	1	.....	.....
Consolidation with competing line, for- bidden,	XVII	4	.....	.....
Consolidation with competing line, regu- lated, .....	.....	.....	XVII	4
Declared to be common carriers,	XVII	1	.....	.....
To be public highways,	XVII	1	.....	.....
Discrimination not to be made in charges and facilities,	XVII	3,7	XVII	3,7
General provisions relative to,	XVII	.....	XVII	.....
Not to engage in other business,	XVII	5	XVII	5
Obligations of, owned by state,	III	24	III	24
Office to be maintained in state,	XVII	2	.....	.....
Officers, not to be officers of competing lines,	XVII	4	.....	.....
Not to engage in certain business, ..	XVII	6	.....	.....
Passes forbidden,	XVII	8	XVII	8
Regulation of transportation of property and persons,	XVII	3	XVII	3
Right of construction and operation,	XVII	1	.....	.....
Special law permitting laying of track, forbidden,	III	7	III	7
Street railways in cities, boroughs, town- ships,	XVII	9	Mun.	17
Municipalities indebtedness for,	IX	15	.....	.....
Transportation privileges of mining or manufacturing companies,	XVII	5	XVII	5
Under supervision of Secretary of Inter- nal Affairs,	XVII	11	.....	.....
Rate of interest, special law fixing, forbidden, ..	III	7	III	7
Real estate (see also Eminent Domain; Prop- erty):				
Limitation on holding of, by corporations, ..	XVI	6	XVI	6
Special law forbidden, prescribing effect of judicial sale of,	III	7	III	7
Rebellion, habeas corpus may be suspended in case of,	I	14	I	14
Reduction of appropriation bills by Governor, .....	.....	.....	IV	16
Recorder of deeds (see County).				
Refunding of money, special law forbidden, ..	III	7	III	7
Register of wills (see also County):				
To be clerk of orphans' courts,	V	22	V	22
Registers' courts abolished,	V	22	.....	.....
Registration, in cities, laws must be uniform, ..	VIII	7	VIII	7
Regulation of costs, before justices of the peace, .....	.....	.....	V	11
In all courts, .....	.....	.....	V	27-A

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Relief from payment, costs of litigation, . . . .	.....	.....	V	27-A
Religious establishments, preference not to be given to any,	I	3	I	3
Liberty,	Preamble.		Preamble.	
Sentiments not to disqualify for holding office,	I	4	I	4
Remedy for all injuries,	I	11	I	11
Remonstrance, right of,	I	20	I	20
Removal from office, general provisions rela- tive to,	V	.....	V	.....
	VI	.....	VI	.....
	VII	3	VII	3
	XII	3	.....	.....
Repeal of law, enactment by partial, forbidden,	III	7	III	7
Repel invasion, creation of debt to,	IX	4,9	IX	4,9
Representatives (see Legislature).				
Reprieve, Governor may grant,	IV	9	IV	9
Reputation, right of protecting,	I	1	I	1
Reserve funds, state, to be secured,	IX	13	IX	13
Residence, voting, when neither gained nor lost,	VIII	13	VIII	13
Resolutions, concurrent to be presented to Governor,	III	26	III	26
Revenue bill to originate in House,	III	14	III	14
Revival of laws,	III	6	III	6
Right of assemblage and petition,	I	20	I	20
Of free speech,	I	7	I	7
Of self defence,	I	21	I	21
Of suffrage (see Elections).				
To alter, reform or abolish government, ..	I	2	I	2
To bear arms,	I	21	I	21
To criticise legislature or government not to be restrained,	I	7	I	7
To free communication of thoughts and opinions,	I	7	I	7
To hold office, .....	.....	.....	I	5-A
To jury trial,	I	6	I	6
To vote, .....	.....	.....	I	5-A
To worship God,	I	3	I	3
Rights, declaration of,	I	.....	I	.....
Of conscience not to be controlled or in- terfered with,	I	3	I	3
Of defendant in criminal causes,	I	9	I	9
Reserved and inviolate,	I	26	I	26
Roads, special laws forbidden,	III	7	III	7
Safety of people, government instituted for, ..	I	2	I	2
Salary (see also Officers):				
Of members of legislature,	II	8	II	8
Sale of real estate, special law forbidden, pre- scribing effect of judicial,	III	7	III	7
Schedule, amendments of 1909,	Schedule.		.....	.....
To constitution,	Schedule.		.....	.....

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
School Districts (see also Municipalities):				
General provisions relating to, .....	.....	.....	Mun.	.....
Schools (see also Education; Superintendent of Public Instruction; Public Schools):				
Debt of districts, limited,	IX	8	Mun.	22
Districts, changing lines by special law forbidden,	III	7	III	7
Classification of, .....	.....	.....	III	7-A
Creating offices in, by special law forbidden,	III	7	III	7
Division of money to sectarian institution, prohibited,	X	2	X	2
Exemption from taxation limited,	IX	2	IX	2
Normal, appropriation for,	III	17	.....	.....
Public, special law affecting, forbidden, ..	III	7	III	7
Special law affecting houses, forbidden, ..	III	7	III	7
Relating to districts, forbidden,	III	7	III	7
Women eligible to offices in management of,	X	3	.....	.....
Seal of Pennsylvania,	IV	22	IV	22
Search warrants limited,	I	8	I	8
Searches, people to be secure from,	I	8	I	8
Secretary of Commonwealth, appointed by				
Governor,	IV	8	IV	8
Duties,	IV	18	IV	18
Member of pardon board,	IV	9	IV	9
Part of executive department,	VI	1	IV	1
To keep record of official acts of Governor,	IV	18	IV	18
To become Governor under certain cir- cumstances, .....	.....	.....	IV	14
Secretary of Internal Affairs (see Internal Af- fairs).				
Sectarian institutions, appropriation to pro- hibited,	III	18	III	18
Diversion of school money to, prohibited,.	X	2	X	2
Seizures, people to be secure from,	I	8	I	8
Self-defense, right of,	I	21	I	21
Senate (see Legislature).				
Senator, United States, vacancy,	II	4	.....	.....
Sentence, commutation of,	IV	9	IV	9
Sentiments (see Religious Sentiments).				
Serial bonds, provisions for issuing, .....	.....	.....	Mun.	23
Servant, public, extra compensation to for- bidden,	III	11	III	11
Session (see Legislature).				
Sex shall not be obstacle to suffrage, .....	.....	.....	I	5-A
Sheriff (see also County).				
Election of, .....	.....	.....	Mun.	7
Not eligible for re-election, .....	.....	.....	Mun.	13
Special law, forbidden, affecting practice or jurisdiction,	III	7	III	7
Signing of bills by presiding officers,	III	9	III	9

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Sinking fund, city,	XV	3	Mun.	23
Municipal, provision for,	IX	10	Mun.	23
State, regulation of,	IX	11,12	IX	11
Slander,	I	7	I	7
Soldiers (see also Army; Elections; Military Power; Militia; Standing Army) :				
Quartering of,	I	23	I	23
Voting by,	VIII	6	VIII	6
Soldiers' widows and orphans, appropriations to institutions for,	III	19	III	19
Solicitation, corrupt,	III	29,30,31,32	III	29,30,31,32
Punishment for,	III	31,32	III	31,32
Witnesses may be compelled to testify, ..	III	32	III	32
Speaker of House,	II	9	II	9
Special bills, notice of required,	III	8	III	8
Commissions prohibited,	III	20	Mun.	6
Laws, certain forbidden,	III	7	III	7
Repeal of permitted,	III	7	III	7
Powers, delegation of prohibited,	III	20	Mun.	6
Privileges or immunities, irrevocable, for- bidden,	I	17	I	17
Session of legislature,	II	4	II	4
Of Senate,	III	25	III	25
Of House,	IV	12	IV	12
Speech, right of, free,	I	7	I	7
Or debate, members of legislature not to be questioned, for,	II	15	II	15
Standing army in time of peace, regulation of,	I	22	I	22
State, may guarantee titles to land, .....	.....	.....	III	21-A
State capital, restrictions in change of loca- tion of,	III	28	III	28
State debt, limited,	IX	4	IX	4
State Treasurer (see Treasurer).				
Stationery (see Printing and Binding).				
Stock, issue and increase of, by corporations, regulated,	XVI	7	XVI	7
Street railways (see also Corporations; Rail- roads; Municipalities).				
Consent necessary to lay tracks in muni- cipalities,	XVII	9	Mun.	17
Municipal indebtedness for,	IX	15	.....	.....
Streets, special laws relating to, forbidden, ..	III	7	III	7
Subways, municipal indebtedness for,	IX	15	.....	.....
Succession, special law changing, forbidden, ..	III	7	III	7
Suffrage (see Elections).				
Right of, .....	.....	.....	I	5-A
Suicide, estate of those committing,	I	19	I	19
Suits against the commonwealth,	I	11	I	11
Institution of, in Philadelphia and Alle- gheny counties,	V	6	V	6
Summary conviction, appeal from,	V	14	V	14

	Present Constitution. Present		Preliminary Draft. Preliminary	
Superintendent of Public Instruction, appointment and term of,	IV	8	IV	8
Duties,	IV	20	IV	20
Filling vacancy in office of,	IV	8	IV	8
May not be removed by appointing power,	VI	4	VI	4
Part of executive department,	VI	1	IV	1
Superior Court (see Courts).				
Supreme Court (see Courts).				
Surety of the peace, members of legislature guilty of breach of, not privileged from arrest,	II	15	II	15
Surveyor (see County).				
Surveyor General, duties of, to be performed by Secretary of Internal Affairs,	IV	19	IV	19
Survival of action where death results,	III	21	III	21
Suspension of laws,	I	12	I	12
Tax, payment of, by elector,	VIII	1	.....	.....
Taxation, corporations,	IX	3	IX	3
Exemption from,	IX	1,2	IX	2
Exemption of property from, forbidden by special law,	III	7	III	7
General provisions relative to,	IX	.....	IX	.....
Uniformity of, required,	IX	1	IX	1
Taxes, place of paying, .....	.....	.....	IX	15-A
Not to be levied by special commission, private corporation or association,	III	20	Mun.	6
Telegraph and Telephone companies, rights and limitations,	XVI	12	XVII	2-A
Terms (see Public Officers; Officers).				
Title of laws (see Laws).				
Of nobility, prohibited,	I	24	I	24
To land, laws may be passed for registering, transferring, insuring and guaranteeing,	Amdt.Nov.2,1915.		III	21-A
Torrens land system, legislature may establish,	Amdt.Nov.2,1915.		III	21-A
Townships, general provisions relating to, ....	.....	.....	Mun.	.....
Track (see Railroads).				
Trade, regulating of, by special law forbidden,	III	7	III	7
Transportation (see Canals; Railroads).				
Treason, attainder of,	I	18	I	18
Members of legislature guilty of, not privileged from arrest,	II	15	II	15
Treasurer (county) (see County):				
State, filling vacancy in office of,	IV	8	IV	8
Monthly statement of reserve funds,	IX	13	IX	13
Must approve certain contracts,	III	12	III	12
Part of executive department,	IV	21	IV	21
Term of,	IV	21	IV	21
Trial (see also Courts):				
By jury,	I	6	I	6

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
When parties may dispense with,	V	27	V	27
Tribunals (see also Courts):				
Special law forbidding affecting practice or jurisdiction,	III	7	III	7
Troops (see also Army; Military Power; Sol- diers; Standing Army):				
Quartering of,	I	23	I	23
Trust funds, regulation of investment of by executors, etc.,	III	22	III	22
Of profit, place of (see Place; Office).				
Trustees, investments by,	III	22	III	22
Town plats, special laws relating to, forbid- den,	III	7	III	7
Towns, changing charter of, by special law, forbidden,	III	7	III	7
Incorporation of, by special law forbidden,	III	7	III	7
Townships (see also Cities; Boroughs; County; Municipalities):				
Changing lines by special law, forbidden,	III	7	III	7
Classification of, .....	.....	.....	III	7-A
Creating offices in, by special law for- bidden,	III	7	III	7
Debt of, limited,	IX	8	Mun.	22
Election for officers,	VIII	3	VIII	3
Erection of, by special law, forbidden, ..	III	7	III	7
Not to be authorized to become stockhold- ers in corporations,	IX	7	Mun.	21
Special law affecting officers, forbidden, ..	III	7	III	7
Special laws forbidden,	III	7	III	7
Street railway must secure consent of, to lay tracks,	XVII	9	Mun.	17
Twice in jeopardy,	I	10	I	10
Underground railways, municipal indebtedness for,	IX	15	.....	.....
Uniform laws for courts,	V	26	V	26
United States, officers of, not to hold office in state,	XII	2	XII	2
Officers of, not to be members of legis- lature,	II	6	II	6
Senator, vacancy,	II	4	.....	.....
Vacancies, Auditor General,	IV	8	IV	8
County officers,	XIV	2	.....	.....
Courts of record,	IV	8	IV	8
V	V	25	V	25
Courts not of record .....	.....	.....	V	11,12
Governor may fill,	IV	8	.....	.....
Appointive offices, .....	.....	.....	IV	8
Elective offices, .....	.....	.....	IV	8
.....	.....	.....	V	11,12

	Present Constitution.		Preliminary Draft.	
	Art.	Sec.	Art.	Sec.
Governor,	IV	13,14	IV	13,14
Legislature,	II	2	II	2
	IV	14	IV	14
Lieutenant Governor,	IV	14	IV	14
Secretary of Internal Affairs,	IV	8	IV	8
State Treasurer,	IV	8	IV	8
United States Senator	II	4	.....	.....
Vacating highways and town plats by special law forbidden,	III	7	III	7
Venue, change by special law forbidden,	III	7	III	7
Change of,	III	7,23	III	7,23
Veto of concurrent orders, resolutions or votes, procedure on,	III	26	III	26
Of Governor, how exercised,	III	26	III	26
	IV	15,16	IV	15,16
Partial, of appropriation bills,	IV	16	IV	16
Vicinage, jury of,	I	9	I	9
Villages, changing charter of, by special law forbidden,	III	7	III	7
Incorporation of, by special law forbid- den,	III	7	III	7
Viva Voce, persons in representing capacity to vote,	VIII	12	VIII	12
Vote (see Corporations; Elections; Legisla- ture):	-			
Right to, .....	.....	.....	I	3-A
Voters, qualifications of,	VIII	1	VIII	1
Voting (see also Elections):				
Special laws relating to, forbidden,	III	7	III	7
Wards, elections for officers,	VIII	3	VIII	3
Special laws forbidden,	III	7	III	7
Warrants, search, limited,	I	8	I	8
Weights and measures, state inspection,	III	27	.....	.....
Widows of soldiers, appropriation to institu- tions, for,	III	19	III	19
Witnesses, compulsory process for, in criminal cases,	I	9	I	9
Compulsory testimony in bribery and cor- rupt solicitation,	III	32	III	32
Women, eligible to offices in school manage- ment,	X	3	.....	.....
Workmen's compensation, legislature may en- act laws providing for,	III	21	III	21
Worship of God, free,	I	3	I	3
Modes of, no preference to be given to, ..	I	3	I	3
No man compelled to attend or support place of,	I	3	I	3
Writs (see Courts; Habeas corpus).				
Yeas and nays (see Legislature).				

INDEX TO MEMORANDA AND BRIEFS.



Index to Briefs Nos. 1 to 28, Inclusive.

	Page.
Assessment (see Taxation).	
Bond Issues (see Municipalities).	
Boroughs (see Municipalities).	
Borrowing Power of Municipalities (see Home Rule).	
Budget System:	
Systems of other states,	821
Suggested constitutional provision,	821
Recommendations of New York Reconstruction Commission,	834
Synopsis of recommendations,	834
Constitutional amendments recommended,	835
Comparison with provisions of other states,	837
Constitutional provisions in Massachusetts,	840
Recommendations of New York Convention of 1915,	845
Charitable Appropriations:	
Methods of making appropriations,	827
Conformity with recommendations of State Board of Public Charities,	849
Relation to work done by institutions,	850
Amounts appropriated to institutions not controlled by state,	855
Amounts expended for free service,	855
Data as to appropriations for 1919, amounts expended for maintenance and for free service,	863
Reason for increase in appropriations,	890
Computation of "free hospital days,"	891
State control over admission and treatment of free patients,	892
Manner of reporting certain income,	892
Charities (see Charitable Appropriations).	
Cities (see Municipalities.)	
Compensation (see County Officers).	
Constitution of Pennsylvania:	
Article II, sections 2, 16 and 17.	
Amendments required to prescribe proportional representation,	959
Article III, sections 15 and 16.	
Effect on same of provisions prescribing budget system,	837
Article III, section 20.	
Amendment permitting creation of planning commissions,	831
Article IV, section 1.	
Amendment as to executive power,	918
Article IV, section 8.	
Amendment as to appointment of executive officers,	919
Article IV, section 9.	
Amendment relating to Board of Pardons,	918
Article IV, section 17a.	
Amendment as to organization of executive departments,	918
Article IV, section 17b.	
Amendment as to heads of executive departments,	919
Article IV, section 17c.	
Amendments as to executive duties,	919

	Page.
Article IV, section 17d.	
Amendment as to duties of Governor,	919
Article IV, section 18.	
Amendment as to duties of Secretary of the Commonwealth,	922
Article IV, section 18a.	
Suggested provision as to Board of Pardons,	918
Article IV, section 18b.	
Provision as to duties of Auditor General,	922
Article IV, section 18c.	
Provision as to duties of Department of Charities and Corrections,	922
Article IV, section 18d.	
Provision as to performance of executive duties,	922
Article IV, sections 19 and 20.	
Suggested that same be omitted,	922
Article V, sections 28 and 28a.	
Provisions for assignment of gratuitous counsel and relief from pay- ment of costs, 4	937
Article V, section 28b.	
Provision authorizing courts to regulate judicial procedure,	938
Article VIII, sections 4 and 7.	
Amendments prescribing proportional representation,	960
Article IX.	
Additional section to permit excess condemnation and resale of real estate,	832
Article IX, section 1.	
Amendment to permit graduated taxation,	823
Article IX, section 7.	
Amendment as to sale or lease of public facilities,	908
Article IX, sections 8, 10 and 15.	
Amendments as to borrowing power of municipalities,	907
Article XII, section 1.	
Amendments as to selection of state and municipal officers,	919
Article XIV, section 5.	
Amendment as to compensation of county officers,	825
Article XVII, section 11.	
Amendment as to reports by utility companies,	922
Counties (see Municipalities).	
County Officers:	
Compensation,	824
State duties imposed on,	857
Treasurer, compensation for collecting state taxes,	928
Register of wills, compensation for collecting state taxes,	928
Prothonotary, compensation for collecting state taxes,	931
Recorder of deeds, compensation for collecting state taxes,	931
Courts:	
Reorganization as recommended by American Judicature Society,	841
Selection of judges,	844
Retirement of judges,	844
Constitutional provisions required to effect reorganization,	845
Organization of intermediate appellate courts of New York,	846
Organization of common pleas courts of Allegheny county,	847
Power of courts to regulate procedure,	851
Suggested constitutional provisions authorizing courts to regulate pro- cedure,	852, 938

	Page.
Courts—Concluded.	
Protection of legal rights of poor,	934
Necessity of employing counsel,	934
Costs of litigation,	936
Suggested constitutional provisions as to gratuitous services of counsel and relief from costs,	937
Delays of litigation,	938
Elections (see Proportional Representation; State Government; Suffrage).	
Eminent Domain:	
Excess condemnation and resale of real estate,	831, 940
Suggested constitutional amendment to permit same,	832
Executive (see Constitution of Pennsylvania; State Government).	
Home Rule (see also Municipalities):	
Constitutional provisions of other states,	893
Welfare provisions,	893
Finance provisions,	894
Organization,	894
Creation of municipalities,	896
Suggested constitutional provisions as to same,	897
Selection of municipal officers,	898
Suggested constitutional provisions as to same,	898
Qualifications, etc., of municipal officers,	898
Organization of municipalities,	899
Suggested constitutional provisions as to same,	899
Extent of welfare powers,	900
Suggested constitutional provisions as to municipal powers,	901
Limitation of powers of state commissions,	901
Suggested constitutional provisions as to same,	901
Taxing power of municipalities,	902
Assessment of properties actually benefited by improvement,	903
Borrowing powers of municipalities,	904
Suggested constitutional provisions as to same,	907
Loans of municipal credit,	907
Suggested constitutional provision as to same,	908
Income Tax (see Taxation).	
Judges (see Courts).	
Legal Rights of Poor (see Courts).	
Local Government (see Home Rule; Municipalities).	
Local Officers:	
State duties of officers named in Constitution,	857
State duties of officers named in statutes,	859
Municipal Contracts:	
Limitation on power of state commissions,	901
Suggested constitutional provisions as to same,	901
Regulation by state,	923
Municipal Officers (see County Officers; Home Rule; Municipalities).	
Municipal Indebtedness (see Home Rule; Municipalities).	
Municipalities:	
Issuance of bonds for term of 50 years,	828
Issuance of serial bonds,	828
Borrowing power according to population,	829
Issuance of bonds for life of improvement,	829
Data as to indebtedness of certain larger cities,	829
Issuance of bonds for current purposes,	829

Municipalities—Concluded.

Issuance of bonds in anticipation of taxes,	830
Planning commissions,	830
Suggested constitutional provisions as to same,	831
Excess condemnation and resale of real estate,	831, 940
Assessment of properties actually benefited by improvement,	832, 943
Suggested constitutional provisions as to same,	832
Data as to bonded indebtedness, etc., of certain boroughs,	833
Constitutional restrictions,	860
Particular restrictions as to counties,	860
Particular restrictions as to cities,	861
Particular restrictions as to boroughs,	861
Particular restrictions as to townships,	862
Particular restrictions as to school districts,	862
Creation of new forms of municipalities,	862
Contracts with public utilities,	922
Borrowing powers of co-extensive municipalities,	925
Financial effect of excess condemnation in certain cities,	942

Proportional Representation:

Defects of present system of elections,	946
Explanation of proportional representation,	948
Progress of proportional representation,	949
Hare System as suggested for Pennsylvania,	952
Results of proportional representation system,	954
Advantages of system,	955
Practicability of system,	956
System impossible under present Constitution,	958
Suggested constitutional change to effect same,	959

Planning Commissions:

Creation of,	831
--------------------	-----

Public Utilities:

Right of municipality to regulate,	901
Suggested constitutional provisions as to same,	902
Contracts with municipalities,	923
Proposed amendment as to state reports by,	922

School Districts (see Municipalities).

State Commissions:

Limitation on powers of,	901
Suggested constitutional provisions as to same,	901
Overlapping bodies,	915

State Government (see also Budget; Proportional Representation):

Present organization of executive branch,	911
Appointment, duties, etc., of Governor,	911
Appointment, duties, etc., of other constitutional officers,	912
Appointment, duties, etc., of statutory officers,	914
Overlapping state commissions,	915
Principles of efficient organization of executive department,	916
Constitutional provisions preventing efficient reorganization,	917
Constitutional changes necessary to require adherence by the general assembly to such principles,	918

State Officers (see Constitution of Pennsylvania; Proportional Representation; State Government).

Suffrage:

Restrictions as to newly naturalized persons,	853
---	-----

	Page.
Taxation:	
Graduated income tax,	823
Classification according to quantity or value,	823
Suggested constitutional provisions as to graduated taxes,	823
Separate assessment of land and buildings thereon,	826
Assessment against all property actually benefited by improvement, 832,903,943	
Taxing power of municipalities,	902
Townships (see Municipalities).	



INDEX TO PROCEEDINGS.



Index to Proceedings.

*For Reports of Committees see Appendix.

	Page.
PREAMBLE:	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	39
ARTICLE I:	
Referred to Committee No. 1,	13
Reported, *	20
Section 1—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	39
Remarks by,	
Fox,	39
Schaffer,	41
Section 2—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 3—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 4—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 5—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 5-A (new section)—	
Reported, *	211
Adopted,	298
Remarks by,	
Alter,	297, 298
Carson,	298
English,	297
Schaffer,	297, 298
Smith,	297
Thorpe,	297, 298
Section 6—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Remarks by,	
Pepper,	40
Pinchot,	40
Reed,	40

	Page.
Section 7—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 8—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 9—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 10—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 11—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 12—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 13—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 14—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 15—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 16—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 17—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 18—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43
Section 19—	
Referred to Committee No. 1,	13
Reported, *	20
Adopted,	43

Section 20—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43
Section 21—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43
Section 22—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43
Section 23—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43
Section 24—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43
Section 25—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43
Section 26—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	43

ARTICLE 11:

Reported to Committee No. 1,	13
Section 1—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	44
Remarks by,	
Pinchot,	44
Section 2—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	44
Section 3—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	44
Section 4—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted as amended,	45
Section 5—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	46

	Page.
Remarks by,	
Fisher,	45
Fox,	45
Gordon,	45
Kelly,	46
Section 6—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted as amended,	50
Remarks by,	
Alter,	47, 48, 49
Carson,	47, 48
English,	46
Fisher,	47
Reed,	48, 49
Schaffer,	46, 49
Sulzberger,	46, 49
Section 7—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	50
Section 8—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 9—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 10—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 11—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 12—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 13—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 14—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51
Section 15—	
Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51

Page.

Section 16—

Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51

Section 17—

Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51

Section 18—

Referred to Committee No. 1,	13
Reported,*	20
Adopted,	51

ARTICLE III:

Referred to Committee No. 1,	13
------------------------------------	----

Section 1—

Referred to Committee No. 1,	13
Reported,*	32
Adopted,	52

Section 2—

Referred to Committee No. 1,	13
Reported,*	32
Adopted as amended,	57

Remarks by,

Alter,	53,54,55,56
Carson,	55,56,57
Fisher,	57
Gordon,	53,54
Pinchot,	52,56
Schaffer,	54,56
Sulzberger,	52,54,55

Section 3—

Referred to Committee No. 1,	13
Reported,*	32
Adopted,	58
Reconsideration of vote,	66
Adopted,	67
Re-reported,*	175
Adopted,	185
Re-reported,*	700
Adopted as amended,	730

Remarks by,

Alter,	66,179,180,181,700
Carson,	66
English,	181
Fisher,	181
Fox,	57,66
Gordon,	66,181,182,185
Pepper,	66,67
Reed,	184
Schaffer,	58,180,182,184,185
Sulzberger,	57,58,179,180,181

	Page.
Section 4—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	60
Remarks by,	
Alter,	58, 59, 60
Carson,	59, 60
Pepper,	60
Sulzberger,	58, 59
Section 5—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	60
Section 6—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	67
Re-reported,*	700
Substitute adopted,	731
Remarks by,	
Alter,	61, 62, 64, 700
Carson,	61, 63
Fisher,	64
Fox,	62, 64
Gordon,	61, 62, 63, 65, 66
Kelly,	61, 62
Pepper,	63, 64, 65, 66, 67
Reed,	62
Schaffer,	62, 63, 64, 65
Section 7—	
Referred to Committee No. 1,	13
Clauses 1 to 20, inclusive, reported,*	32
Clauses 1 to 20, inclusive, adopted,	70
Clause 21, reported,*	32
Clause 21, adopted as amended,	70
Clauses 22 to 28, inclusive, reported,*	32
Clauses 22 to 28, inclusive, adopted,	71
Remarks by,	
Alter,	70
Connelly,	68, 69, 70
Gordon,	69
Reed,	69, 70
Section 7-A (new section)—	
Reported (as section 33),*	32
Re-referred,	113
Re-reported (as section 33),*	175
Adopted (as section 33),	195
Remarks by,	
Alter,	95
Pepper,	95
Sulzberger,	96

	Page.
Section 8—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	71
Section 9—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	71
Section 10—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	72
Section 11—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	72
Section 12—	
Referred to Committee No. 1,	13
Reported,*	32
Substitute adopted,	73
Remarks by,	
Alter,	73
Sulzberger,	72, 73
Section 13—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	76
Re-reported,*	175
Adopted,	186
Reconsideration of vote,	192
Re-referred,	209
Re-reported,*	299
Substitute adopted,	306
Remarks by,	
Alter,	191
Carson,	73, 75, 76
Fisher,	191
Gordon,	75, 76, 185, 186, 191
Pinchot,	185
Schaffer,	185
Section 14—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	77
Remarks by,	
English,	76, 77
Fox,	77
Pepper,	77
Pinchot,	76, 77
Schaffer,	76
Thorpe,	77

	Page.
Section 15—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	78
Re-reported,*	176
Postponed,	209
Adopted,	233
Reconsideration of vote,	242
Adopted,	248
Proposed amendment (action postponed),	388
Postponed,	427
Reconsideration of vote,	440
Re-referred,	480
Re-reported,*	481
Postponed,	506
Substitute adopted,	532
Remarks by,	
Alter,	213, 214, 216, 222, 246, 506
Carson,	217, 220, 222, 230, 231, 447, 449, 450
Connelly,	506
Fisher,	209, 215, 223, 226, 243, 245, 247, 440, 441, 445 446, 447, 448, 450, 528, 530, 531, 532
Fox,	228, 242, 243
Gordon,	231, 232, 245, 442, 445, 447, 449
McCormick,	212, 213, 214, 216, 217, 229, 230, 243, 244, 245, 247 425, 426, 445, 446, 447, 448, 525, 526 527, 528, 529, 531, 532
Pepper,	230, 231, 232, 387, 427, 446, 448, 449 506, 527, 528, 530, 531
Pinchot,	217, 222, 223, 228
Reed,	221, 229, 505, 506, 525, 527, 529, 530
Schaffer,	213, 214, 224, 229, 230, 242, 243, 244 246, 506, 525, 526, 527
Stackpole,	247
Thorpe,	223
Tyson,	247
Section 16 (see section 15; also Report No. 18)—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	81
Re-referred,	480
Remarks by,	
Alter,	433, 434
Carson,	436, 438
Fisher,	431
McCormick,	429, 430, 431, 433
Pepper,	428, 429, 430, 431, 434, 435, 436, 437, 439
Schaffer,	436
Stackpole,	435, 439
Thorpe,	432
Section 17—	
Referred to Committee No. 1,	13
Reported,*	32
Postponed,	82

	Page.
Re-referred,	113
Re-reported,*	175
Postponed,	191
Substitute adopted,	385
Remarks by,	
Alter,	248, 337, 338, 345, 381, 382, 383, 384
Carson,	262, 290, 330, 338, 359, 364, 365, 366, 377, 379, 384
English,	332
Fisher,	191, 292, 344, 355, 369, 378
Fox,	361, 363, 364, 365, 377, 385
Gordon,	190, 248, 257, 266, 273, 274, 284, 330, 334, 344 345, 372, 377, 378, 379, 380
Kelly,	282, 339
Miller,	190, 255, 331
McCormick,	186, 190, 283, 284, 294, 330, 344, 351 366, 368, 380, 383
Pepper,	188, 190, 257, 280, 287, 356, 357, 359, 362, 363, 368 369, 372, 377, 378, 379, 380, 382, 383, 384
Pinelot,	382, 383
Reed,	265, 295, 343, 344, 370, 383
Schaffer,	257, 269, 273, 274, 278, 281, 282, 285 295, 330, 365, 366
Stackpole,	261, 342
Thorpe,	277, 295, 336, 371, 385
Voll,	370
Section 18—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	299
Substitute adopted,	387
Remarks by,	
Alter,	386
Fisher,	386
Section 19—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	83
Section 20 (see article on municipalities, section 6)—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	175
Re-referred,	209
Re-referred to Committee No. 5,	299
Reported by special committee on local government,*	386
Remarks by,	
Alter,	84
English,	192
Fox,	85
Reed,	83, 84
Schaffer,	84, 192
Sulzberger,	84

	Page.
Section 21—	
Referred to Committee No. 1,	13
Reported, *	32
Adopted,	85
Section 21-A (see amendment of November 2, 1915).	
Section 22—	
Referred to Committee No. 1,	13
Reported, *	32
Re-referred,	113
Re-reported, *	175
Adopted as amended,	195
Remarks by,	
Alter,	86, 87, 194
Carson,	87
Fisher,	88, 194
Gordon,	193
Pepper,	193
Reed,	86, 87, 88, 195
Schaffer,	193, 194
Sulzberger,	88
Section 23—	
Referred to Committee No. 1,	13
Reported, *	32
Adopted,	89
Section 24—	
Referred to Committee No. 1,	13
Reported, *	32
Re-referred,	113
Re-reported, *	175
Adopted,	195
Remarks by,	
Alter,	90
Carson,	89, 90
Pepper,	90
Schaffer,	90
Sulzberger,	90
Section 25—	
Referred to Committee No. 1,	13
Reported, *	32
Adopted,	92
Remarks by,	
Carson,	92
Fisher,	92
Gordon,	91, 92
Reed,	92
Section 26—	
Referred to Committee No. 1,	13
Reported, *	32
Adopted,	93
Section 27—	
Referred to Committee No. 1,	13
Reported, *	32
Dropped,	93

	Page.
Remarks by,	
Carson,	93
Schaffer,	93
Section 28—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	94
Section 29—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	95
Section 30—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	95
Section 31—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	95
Section 32—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	95
Section 33—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	95
Remarks by,	
Fisher,	95

ARTICLE IV :

Referred to Committee No. 1,	13
Section 1—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted as amended,	98
Remarks by,	
Alter,	97
Carson,	97
Fisher,	98
Gordon,	97
Reed,	96,98
Schaffer,	96,97
Section 2—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	98
Section 3—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	103

	Page.
Remarks by,	
Alter,	99, 100, 101
Fox,	102
Gordon,	100, 101
Reed,	99
Sulzberger,	100
Section 4—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	103
Section 5—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	103
Section 6—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	103
Section 7—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	103
Section 8—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	175
Substitute adopted,	196
Amendment referred to Committee No. 1,	608
Amendment negatively reported,*	609
Remarks by,	
Alter,	104, 106
Carson,	104
Fisher,	103
Pepper,	103, 104, 103
Section 9—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	299
Adopted,	305
Section 10—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	107
Section 11—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	299
Adopted,	305
Remarks by,	
Pinchot,	108
Reed,	108

	Page.
Section 12—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	108
Section 13—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	109
Remarks by,	
Carson,	109
Section 14—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted as amended,	110
Remarks by,	
Alter,	109, 110
Gordon,	109
Kelly,	110
Section 15—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	110
Section 16—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	176
Adopted as amended,	233
Remarks by,	
Reed,	111
Section 17—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	111
Section 18—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	112
Section 19—	
Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	299
Adopted,	306
Section 20—	
Referred to Committee No. 1,	13
Reported,*	32
Adopted,	112
Section 20-A (new section)—	
Referred to Committee No. 1,	607
Reported negatively,*	609

Section 21—

Referred to Committee No. 1,	13
Reported,*	32
Re-referred,	113
Re-reported,*	175
Adopted as amended,	197
Remarks by,	
Carson,	113
Fisher,	197
Gordon,	197
Pepper,	197
Schaffer,	197
Stackpole,	197
Sulzberger,	196

Section 22—

Referred to Committee No. 1,	13
Reported,*	32
Adopted,	113

ARTICLE V:

Referred to Committee No. 2,	13
Remarks by,	
Pepper,	617

Section 1—

Referred to Committee No. 2,	13
Reported,*	299
Adopted as amended,	310
Remarks by,	
Carson,	307,308
Fisher,	307,308
Gordon,	307,309,310
Pepper,	306,308,309
Schaffer,	310
Voll,	310

Section 2—

Referred to Committee No. 2,	13
Reported,*	299
Adopted as amended,	320
Remarks by,	
Carson,	310,313,315,316,319
Fisher,	315
Fox,	312,317
Gordon,	317
Kelly,	311,314
McCormick,	318
Pepper,	311,316
Reed,	310,315,316
Thorpe,	318

Section 3—

Referred to Committee No. 2,	13
Reported,*	299
Adopted,	321
Remarks by,	
Pepper,	321

	Page.
Section 3-A (new section)—	
Reported,*	299
Adopted,	321
Remarks by,	
Carson,	321
Fox,	321
Section 3-B (new section)—	
Reported,*	299
Adopted,	322
Section 4 (see sections 9, 10, 15 and 20)—	
Referred to Committee No. 2,	13
Reported,*	299
Adopted,	329
Reconsideration of vote,	682
Substitute adopted,	682
Remarks by,	
Carson,	322, 323, 324, 325, 326, 327, 328
Fisher,	323
Fox,	323, 324, 327, 682
Gordon,	323
Kelly,	323
Pepper,	324, 326, 327, 328, 329
Reed,	327, 328
Schaffer,	328
Voll,	324, 325, 327
Section 5—	
Referred to Committee No. 2,	13
Reported,*	299
Adopted as amended,	329
Section 6 (see section 8)—	
Referred to Committee No. 2,	13
Reported,*	609
Adopted (first paragraph),	624
Adopted (second paragraph),	625
Adopted (third paragraph),	625
Reconsideration of vote,	626
Substitute adopted,	628
Remarks by,	
Alter,	624, 627
Carson,	624, 625, 626, 627, 628
Fox,	627, 628
Kelly,	627
Reed,	625, 626, 627, 628
Schaffer,	625, 627, 628
Thorpe,	625
Section 7—	
Referred to Committee No. 2,	13
Reported,*	609
Substitute adopted,	626
Remarks by,	
Carson,	626

	Page.
Section 8 (incorporated in section 6)—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	628
Section 9 (incorporated in section 4)—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	628
Section 10 (incorporated in section 4)—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	628
Section 11—	
Referred to Committee No. 2,	13
Reported,*	609
Substitute adopted,	682
Remarks by,	
Alter,	674
Carson,	632, 662, 663, 671, 676
Fisher,	631, 674, 675, 676
Fox,	677
Gordon,	668, 669, 670, 680
Kelly,	629, 630, 631, 663, 664, 665
Munce,	680
Pepper,	665, 666, 676
Reed,	630, 632, 662, 678, 679
Schaffer,	631, 632, 662, 663, 665, 666, 668, 669, 670, 671, 675, 679, 680, 681,
Thorpe,	665, 678
Voll,	667, 671
Section 12 (see section 13)—	
Referred to Committee No. 2,	13
Reported,*	609
Postponed,	637
Substitute adopted,	772
Remarks by,	
Carson,	633
Gordon,	633, 771
Schaffer,	636, 637, 770, 772
Section 13 (incorporated in section 12)—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	638
Remarks by,	
Carson,	637
Pepper,	637
Reed,	637
Schaffer,	637
Section 14—	
Referred to Committee No. 2,	13
Reported,*	609
Adopted as amended,	638

	Page.
Remarks by,	
Carson,	638
Fisher,	638
Schaffer,	638
Section 15 (incorporated in section 4)—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	639
Section 16—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	639
Remarks by,	
Carson,	639
Fox,	639
Section 17—	
Referred to Committee No. 2,	13
Reported,*	609
Adopted,	639
Section 18—	
Referred to Committee No. 2,	13
Reported,*	609
Adopted,	640
Reconsideration of vote,	682
Adopted,	683
Amended,	731
Adopted as amended,	731
Remarks by,	
Carson,	640,703
Fox,	702,703
Pepper,	703
Section 19—	
Referred to Committee No. 2,	13
Reported,*	609
Adopted as amended,	640
Remarks by,	
Carson,	640
Section 20 (incorporated in section 4)—	
Referred to Committee No. 2,	13
Reported,*	609
Dropped,	640
Remarks by,	
Carson,	640
Section 21—	
Referred to Committee No. 2,	13
Reported,*	609
Substitute adopted,	661
Remarks by,	
Alter,	655
Carson,	641,649,654,655,659
Cuyler,	643,644,651,652,654,656,659
English,	660
Fisher,	645,648,656

	Page.
Fox,	645, 659
Gordon,	657, 659
Kelly,	652, 658
Pepper,	642, 644, 647, 649, 653, 654, 656, 660
Reed,	652, 659, 661
Schaffer,	655, 656, 658, 659
Section 22—	
Referred to Committee No. 2,	13
Reported, *	609
Adopted,	684
Re-reported, *	700
Adopted as amended,	732
Remarks by,	
Carson,	683
Section 23—	
Referred to Committee No. 2,	13
Reported, *	609
Adopted,	684
Section 24—	
Referred to Committee No. 2,	13
Reported, *	609
Postponed,	685
Adopted as amended,	731
Remarks by,	
Carson,	684, 685
Fox,	684
Gordon,	684, 685
Reed,	684
Section 25—	
Referred to Committee No. 2,	13
Reported, *	609
Adopted as amended,	685
Section 26—	
Referred to Committee No. 2,	13
Reported, *	609
Adopted,	686
Section 27—	
Referred to Committee No. 2,	13
Reported, *	609
Adopted,	686
Section 27-A, first alternative (new section)—	
Reported, *	609
Defeated,	688
Remarks by,	
Carson,	687
Fisher,	687
Pepper,	686, 687
Reed,	686, 687
Section 27-A, second alternative (new section)—	
Reported, *	609
Adopted as amended,	699

Page.

Remarks by,	
Alter,	688
Carson,	689, 693, 694
Cuyler,	691
Fisher,	690, 691, 698
Gordon,	694
Pepper,	688, 689, 691, 692, 693, 698
Reed,	690, 694, 698
Schaffer,	688, 689, 691, 692, 693, 694, 697, 698
Thorpe,	699
New section (reference by legislature to supreme court)—	
Reported,*	609
Defeated,	704
Remarks by,	
Carson,	703

ARTICLE VI:

Referred to Committee No. 2,	13
Section 1—	
Referred to Committee No. 2,	13
Reported,*	24
Adopted,	124
Section 2—	
Referred to Committee No. 2,	13
Reported,*	24
Adopted,	124
Section 3—	
Referred to Committee No. 2,	13
Reported,*	24
Adopted,	125
Section 4—	
Referred to Committee No. 2,	13
Reported,*	24
Adopted as amended,	126
Remarks by,	
Fox,	126
Pepper,	125, 126
Sulzberger,	125

ARTICLE VII:

Referred to Committee No. 2,	13
Section 1—	
Referred to Committee No. 2,	13
Reported,*	24
Adopted as amended,	127
Remarks by,	
Gordon,	127
Pepper,	127
Sulzberger,	127

ARTICLE VIII:

Referred to Committee No. 3,	13
Reported,*	20

	Page.
Section 1—	
Referred to Committee No. 3,	13
Reported, *	20
Adopted,	142
Reconsideration of vote,	143
Re-reported, *	143
Adopted,	145
Clause 3 re-reported, *	620
Adopted as amended,	707
Remarks by,	
Alter,	140, 705, 706
Carson,	707
Cuyler,	140, 141
Fisher,	133, 139
Fox,	137, 141, 142
Gordon,	132, 140, 144, 705, 706
Kelly,	139
Miller,	131
Pepper,	126, 136, 141
Pinchot,	130
Reed,	127, 129, 130, 131, 132, 133, 137, 139, 140, 141, 705, 707
Schaffer,	131, 139, 140, 141, 705, 706, 707
Stackpole,	141, 144
Sulzberger,	128, 135, 140, 144
Thorpe,	129, 130, 131, 138, 705, 707
Voll,	129
Section 2—	
Referred to Committee No. 3,	13
Reported, *	20
Adopted,	142
Section 3—	
Referred to Committee No. 3,	13
Referred by Committee No. 3 to Committee No. 2,	20
Reported, *	619
Adopted,	707
Section 4—	
Referred to Committee No. 3,	13
Reported, *	20
Adopted,	145
Section 5—	
Referred to Committee No. 3,	13
Reported, *	20
Adopted,	145
Section 6—	
Referred to Committee No. 3,	13
Reported, *	20
Adopted,	145
Section 7—	
Referred by Committee No. 3 to special committee on local gov- ernment,	20
Adopted,	615
Remarks by,	
Miller,	614
Pepper,	615

	Page.
Section 8—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	147
Remarks by,	
Alter,	147
Pepper,	146, 147
Sulzberger,	146
Section 9—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	147
Reconsideration of vote,	160
Adopted,	161
Remarks by,	
Alter,	147, 159, 160
Cuyler,	147
Gordon,	160
Section 10—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	148
Section 11—	
Referred to Committee No. 3,	13
Re-referred to special committee on local government and Com- mittee No. 2,	20
Adopted,	616
Remarks by,	
English,	616
Fisher,	615
Pepper,	615
Schaffer,	615
Section 12—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	148
Section 13—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	148
Section 14—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	149
Section 15—	
Referred to Committee No. 3,	13
Referred by Committee No. 3 to special committee on local gov- ernment,	20
Adopted,	616

	Page.
Section 16—	
Referred to Committee No. 3,	13
Referred by Committee No. 3 to Committee No. 2,	20
Reported,*	620
Adopted,	711
Remarks by,	
Alter,	708,710
Fisher,	708,709,710
Fox,	711
Gordon,	708
Pepper,	709
Reed,	709
Schaffer,	710
Stackpole,	710
Section 17—	
Referred to Committee No. 3,	13
Reported,*	20
Adopted,	149
ARTICLE IX:	
Referred to Committee No. 4,	14
Section 1—	
Referred to Committee No. 4,	14
Reported,*	300
Postponed,	391
Placed on calendar,	620
Adopted,	724
Remarks by,	
Carson,	714,721
English,	714,721,724
Fisher,	390
Fox,	714
Kelly,	391
Pepper,	388,389,390,391,712,713,714,719,721
Reed,	389,620,621,712,713,714,715,720,724
Schaffer,	620,712,713,714,719,721
Stackpole,	723
Section 2—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted,	392
Reconsideration of vote,	715
Adopted as amended,	718
Remarks by,	
Carson,	718
Fox,	391,392
Gordon,	716,718
Pepper,	391,392,715,717,718
Schaffer,	717,718
Thorpe,	392
Section 2-A (new section)—	
Proposed by Mr. Pepper,	733
Placed on calendar,	733
Defeated,	741

	Page.
Remarks by,	
Carson,	740
Fisher,	740
Fox,	737
Gordon,	741
Kelly,	735, 739, 740
Pepper,	733, 736, 738
Reed,	740
Section 3—	
Referred to Committee No. 4,	14
Reported, *	21
Adopted,	149
Section 4—	
Referred to Committee No. 4,	14
Reported, *	300
Postponed,	403
Substitute adopted,	455
Remarks by,	
Alter,	452, 454
Carson,	394, 395, 396, 397, 398, 401, 450, 451
Fisher,	402, 403, 451, 452, 453, 454, 455
Fox,	454
Gordon,	303, 394, 395, 453, 454
McCormick,	398, 402, 452, 453, 454
Munce,	400
Pepper,	398, 399, 403, 453, 454
Pinchot,	393, 394, 395, 396, 397, 398, 401, 402
Schaffer,	397
Section 5—	
Referred to Committee No. 4,	14
Reported, *	21
Adopted,	150, 404
Section 6—	
Referred to Committee No. 4,	14
Reported, *	300
Section 7 (incorporated in section 21 of article on municipalities)—	
Referred to Committee No. 4,	14
Re-referred to Committee No. 5,	21
Reported, *	24
Re-referred,	158
Re-referred to special committee on local government,	300
Remarks by,	
English,	152
Pepper,	151
Section 8 (incorporated in section 22 of article on municipalities)—	
Referred to Committee No. 4,	14
Re-referred to Committee No. 5,	21
Re-referred to special committee on local government,	300
Section 9—	
Referred to Committee No. 4,	14
Reported, *	24
Re-referred to Committee No. 5,	21
Re-referred,	158

	Page.
Re-reported,*	616
Re-referred to special committee on local government,	300
Adopted,	617
Section 10 (incorporated in section 23 of article on municipalities)—	
Referred to Committee No. 4,	14
Re-referred to Committee No. 5,	21
Re-referred to special committee on local government,	300
Section 11—	
Referred to Committee No. 4,	14
Reported,*	21
Adopted,	150
Section 12—	
Referred to Committee No. 4,	14
Reported,*	21
Re-referred,	158
Re-reported,*	300
Dropped,	404
Remarks by,	
Pepper,	404
Section 13—	
Referred to Committee No. 4,	14
Reported,*	21
Adopted,	151
Section 14—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted,	404
Section 15 (incorporated in section 22 of article on municipalities)—	
Referred to Committee No. 4,	14
Re-referred to Committee No. 5,	21
Re-referred to special committee on local government,	300
Section 15-A (new section)—	
Proposed by Mr. Kelly,	733
Placed on calendar,	735
Adopted,	743
Remarks by,	
Fisher,	742, 743
Fox,	743
Kelly,	733, 734, 742, 743
Stackpole,	734

ARTICLE X:

Referred to Committee No. 5,	14
Section 1—	
Referred to Committee No. 5,	14
Reported,*	482
Adopted as amended,	559
Remarks by,	
Alter,	552, 559
Carson,	552
Fisher,	558
Gordon,	548, 554, 557, 558, 559
Miller,	557
Pepper,	550, 552, 555, 556, 557, 558
Reed,	555, 557, 558

Page.

Schaffer,	540, 554, 558, 559
Smith,	553, 556
Thorpe,	539, 540, 554, 556, 557, 559
Voll,	554
Section 2—	
Referred to Committee No. 5,	14
Reported, *	24
Adopted,	152
Remarks by,	
Thorpe,	153
Section 3—	
Referred to Committee No. 5,	14
Reported, *	24
Re-referred,	158
Remarks by,	
Cuyler,	153, 154
English,	154
Fisher,	153
Gordon,	153
Pepper,	154

ARTICLE XI:

Referred to Committee No. 5,	14
Section 1—	
Referred to Committee No. 5,	14
Reported, *	299
Adopted,	329

ARTICLE XII:

Referred to Committee No. 3,	13
Section 1—	
Referred to Committee No. 3,	13
Reported, *	612
Adopted,	612
Section 2—	
Referred to Committee No. 3,	13
Reported, *	612
Adopted,	612
Section 3—	
Referred to Committee No. 3,	13
Reported, *	33
Dropped,	154

ARTICLE XIII:

Referred to Committee No. 3,	13
Section 1 (incorporated in section 3 of article on municipalities)—	
Referred to Committee No. 3,	13
Reported, *	33
Adopted,	155

ARTICLE XIV :

Referred to Committee No. 3,	13
Section 1 (incorporated in section 13 of article on municipalities)—	
Referred to Committee No. 3,	13
Re-referred to Committees Nos. 2 and 5,	33
Reported,*	143
Adopted,	171
Re-referred to special committee on local government,	300
Re-reported,*	386
Remarks by,	
Fisher,	170,171
Gordon,	170
Reed,	170
Schaffer,	170
Thorpe,	170
Section 2 (incorporated in section 7 of article on municipalities)—	
Referred to Committee No. 3,	13
Re-referred to special committee on local government,	300
Re-reported,*	386
Section 3 (incorporated in section 8 of article on municipalities)—	
Referred to Committee No. 3,	13
Reported,*	33
Adopted,	155
Re-reported,*	386
Section 4 (incorporated in section 9 of article on municipalities)—	
Referred to Committee No. 3,	13
Reported,*	33
Adopted,	155
Re-reported,*	386
Section 5 (incorporated in section 10 of article on municipalities)—	
Referred to Committee No. 3,	13
Reported,*	143
Postponed,	174
Adopted,	242
Re-reported,*	386
Remarks by,	
Alter,	172,234,235
Carson,	233,234,235,236,239,241
Cuyler,	174
English,	238,239,240,241,242
Fisher,	234,236,238
Fox,	172,238,240
Gordon,	173,233,237,240,241
McCormick,	235
Pepper,	178
Reed,	242
Schaffer,	172,173,174,235,238,240,241
Sulzberger,	172
Thorpe,	172,173,178,179,241
Section 6 (incorporated in section 11 of article on municipalities)—	
Referred to Committee No. 3,	13
Reported,*	33
Adopted,	153
Re-reported,*	386

	Page.
Remarks by,	
Cuyler,	156
Fisher,	157
Gordon,	157, 158
Pepper,	156
Pinchot,	156
Reed,	156
Schaffer,	157
Thorpe,	156
Section 7 (incorporated in section 14 of article on municipalities)—	
Referred to Committee No. 3,	13
Reported,*	33
Adopted,	168
Re-reported,*	386
Reconsideration of vote,	623
Adopted as amended,	730
Remarks by,	
Alter,	162, 164, 166, 167, 726, 727
Cuyler,	164, 166, 167
English,	725
Fisher,	161, 165, 166, 725, 729
Gordon,	161, 162, 165, 166, 729
McCormick,	167
Munee,	163, 580, 622, 725, 726, 728
Pepper,	164
Reed,	161, 727
Schaffer,	166, 167, 725, 726, 727
Sulzberger,	161, 166
Thorpe,	161, 162, 163
Tyson,	726, 728

ARTICLE XV:

Section 1—	
Referred to Committee No. 5,	14
Reported,*	386
Dropped,	588
Section 2 (incorporated in section 20 of article on municipalities)—	
Referred to Committee No. 5,	14
Reported,*	386
Section 3 (incorporated in section 23 of article on municipalities)—	
Referred to Committee No. 5,	14
Reported,*	386
Dropped,	613
Remarks by,	
Alter,	613
English,	613
Fisher,	613
Pepper,	613
Schaffer,	613

ARTICLE XVI:

Referred to Committee No. 4,	14
------------------------------------	----

	Page.
Section 1—	
Referred to Committee No. 4,	14
Reported,*	33
Adopted,	168
Section 2—	
Referred to Committee No. 4,	14
Reported,*	33
Adopted,	168
Section 3—	
Referred to Committee No. 4,	14
Reported,*	33
Adopted,	168
Section 4—	
Referred to Committee No. 4,	14
Adopted,	405
Section 5—	
Referred to Committee No. 4,	14
Reported,*	33
Adopted,	169
Section 6—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted,	405
Remarks by,	
Pepper,	405
Section 7—	
Referred to Committee No. 4,	14
Reported,*	309
Postponed,	412
Re-referred,	423
Re-reported,*	482
Adopted,	604
Reconsideration of vote,	732
Adopted as amended,	733
Remarks by,	
Carson,	406, 407, 410, 411, 589, 590, 595
Fisher,	411, 590, 591, 603
Gordon,	407, 410, 411, 591, 592, 594, 598, 601
Pepper,	406, 407, 409, 411, 589, 590, 591, 592, 593, 595, 601, 732
Pinchot,	409
Reed,	408, 410, 412, 593
Schaffer,	407, 411, 590, 596, 600, 601, 732
Section 8—	
Referred to Committee No. 4,	14
Reported,*	33
Adopted,	169
Proposed amendment referred to Committee No. 4,	423
Section 9—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted,	412

	Page.
Section 10—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted as amended,	412
Remarks by,	
Carson,	412
Pepper,	412
Schaffer,	412
Section 11—	
Referred to Committee No. 4,	14
Reported,*	300
Substitute adopted,	413
Remarks by,	
Pepper,	413
Section 12 (incorporated in section 2-A of article XVII)—	
Referred to Committee No. 4,	14
Reported,*	300
Dropped,	414
Remarks by,	
Pepper,	413
Section 13—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted,	414
Remarks by,	
Pepper,	414

ARTICLE XVII:

Referred to Committee No. 4,	14
Title—	
Reported,*	300
Adopted,	414
Section A-1 (new section)—	
Reported,*	300
Adopted,	415
Remarks by,	
Carson,	414
Pepper,	414, 415
Section 1—	
Referred to Committee No. 4,	14
Reported,*	300
Re-referred,	423
Re-reported,*	482
Adopted,	607
Remarks by,	
Carson,	416, 606
Pepper,	415, 416, 605, 606
Pinchot,	416
Section 2—	
Referred to Committee No. 4,	14
Reported,*	300
Dropped,	417

Section 2-A (see section 12 of article XVI)—

Reported,*	482
Adopted,	605
Remarks by,	
Pepper,	604

Section 3—

Referred to Committee No. 4,	14
Reported,*	300
Adopted,	417

Section 4—

Referred to Committee No. 4,	14
Reported,*	300
Postponed,	417
Substitute adopted,	459
Remarks by,	
Fox,	458
Gordon,	456, 459
Pepper,	455, 458, 459
Schaffer,	458
Thorpe,	458

Section 5—

Referred to Committee No. 4,	14
Adopted,	607

Section 6—

Referred to Committee No. 4,	14
Reported,*	300
Dropped,	420, 460
Remarks by,	
Fisher,	419, 420
Gordon,	418, 460
Pepper,	418, 419, 420, 459, 460

Section 7—

Referred to Committee No. 4,	14
Reported,*	300
Adopted,	420
Remarks by,	
Fisher,	420
Fox,	420
Pepper,	420
Schaffer,	420

Section 8—

Referred to Committee No. 4,	14
Reported,*	300
Re-referred,	423
Remarks by,	
Pepper,	421

Section 9 (incorporated in section 17 of article on municipalities)—

Referred to Committee No. 4,	14
Reported,*	300

Section 10—

Referred to Committee No. 4,	14
Reported,*	300
Adopted as amended,	422

	Page.
Remarks by,	
Fox,	422
Pepper,	421, 422
Section 11—	
Referred to Committee No. 4,	14
Reported,*	300
Dropped,	422
Remarks by,	
Pepper,	422
Section 12—	
Referred to Committee No. 4,	14
Reported,*	300
Adopted,	422
ARTICLE XVIII:	
Referred to Committee No. 5,	14
Section 1—	
Referred to Committee No. 5,	14
Reported,*	614
Adopted,	770
Remarks by,	
English,	614, 770
Gordon,	770
Pepper,	614
Schaffer,	614, 770
AMENDMENT OF NOVEMBER 2, 1915 (see article III, section 21-A, in tentative draft):	
Referred to Committee No. 1,	80
Reported,*	175
Defeated,	198
Reconsideration of vote,	610
Adopted,	611
Remarks by,	
Alter,	198
Fisher,	198, 611
Pepper,	579, 610
Pinchot,	198
Schaffer,	198
PROPOSED AMENDMENT in reference to amendments to Constitution of the United States:	
Referred to Committee No. 1,	119
Reported,*	175
Defeated,	208
Remarks by,	
Alter,	205, 207
Fisher,	199, 203
McCormick,	206
Miller,	207
Pepper,	200, 204
Pinchot,	200, 203
Reed,	199, 200, 201, 203, 204, 206
Schaffer,	202, 203, 204
Stackpole,	201
Sulzberger,	202, 204
Thorpe,	202

	Page.
MUNICIPALITIES:	
Section 1 (new section)—	
Reported,*	386
Adopted,	460
Section 2 (new section)—	
Reported,*	386
Adopted,	462
Remarks by,	
Carson,	461, 462
Pepper,	461
Schaffer,	462
Section 3 (see article XIII, section 1)—	
Reported,*	386
Adopted,	462
Section 4 (new section)—	
Reported,*	386
Adopted,	465
Remarks by,	
Alter,	465
Carson,	463, 464
Fisher,	463, 464
Fox,	464
Pepper,	463
Schaffer,	463, 464
Section 5 (new section)—	
Reported,*	386
Postponed,	468, 524
Adopted,	588
Remarks by,	
Alter,	466, 467, 510, 511, 512, 513, 515, 521, 522
Carson,	512, 513, 515, 516, 517, 520, 521
Connelly,	507, 508, 513, 514, 519, 520, 521, 522
English,	509, 521, 523, 581, 587, 588
Fisher,	467, 468, 587, 588
McCormick,	512, 513, 515
Pepper,	466, 467, 468, 511, 514, 517, 521, 523
Reed,	508, 510, 511, 512, 515, 516, 521, 522
Schaffer,	467, 511, 513, 514, 515, 522
Thorpe,	467
Section 6 (see article III, section 20)—	
Reported,*	386
Adopted,	468
Remarks by,	
Pepper,	468
Section 7 (see article XIV, section 2)—	
Reported,*	386
Postponed,	471
Adopted,	519

	Page.
Remarks by,	
Alter,	470
Carson,	469, 470
English,	519
Fisher,	470
	Page.
Fox,	469, 470, 471
Pepper,	468, 469, 470
Schaffer,	469
Section 8 (see article XIV, section 3)—	
Reported, *	386
Adopted,	471
Remarks by,	
Pepper,	471
Section 9 (see article XIV, section 4)—	
Reported, *	386
Adopted,	472
Section 10 (see article XIV, section 5)—	
Reported, *	386
Adopted,	472
Remarks by,	
Carson,	472
Pepper,	472
Schaffer,	472
Section 11 (see article XIV, section 6)—	
Reported, *	386
Adopted as amended,	473
Remarks by,	
Carson,	473
Pepper,	472, 473
Section 12 (new section)—	
Reported, *	386
Defeated,	492
New section reported, *	609
Defeated,	769
Remarks by,	
Alter,	473
Carson,	479, 488
English,	762, 769
Fisher,	485, 487, 768
Fox,	488
Gordon,	483, 488, 492
McCormick,	485, 486, 487
Pepper,	473, 478, 479, 485, 491
Reed,	762
Schaffer,	474, 485, 486, 487, 488, 765
Thorpe,	769
Section 13 (see article XIV, section 1)—	
Reported, *	386
Adopted,	496
Remarks by,	
Carson,	493, 494
Fox,	495
Pepper,	493, 494, 495
Schaffer,	494

	Page.
Section 14 (see article XIV, section 7) —	
Reported,*	386
Adopted as amended,	496
Remarks by,	
Schaffer,	496
Section 15 (new section)—	
Reported,*	386
Defeated,	499
Remarks by,	
Carson,	497, 498
Fisher,	498
Fox,	498
Pepper,	497, 498, 499
Schaffer,	497, 499
Section 16 (new section)—	
Reported,*	386
Defeated,	500
Remarks by,	
Pepper,	500
Section 17 (see article XVII, section 9)—	
Reported,*	383
Adopted as amended,	501
Remarks by,	
Pepper,	500
Section 18 (new section)—	
Reported,*	386
Postponed,	503
Adopted,	563
Remarks by,	
Alter,	561
Carson,	502, 503
Connelly,	560, 561, 562, 563
English,	560
Fisher,	502, 503, 562
Gordon,	562
McCormick,	502
Pepper,	501, 502
Reed,	561, 562
Schaffer,	501, 503, 560, 561, 562, 563
Section 19 (new section)—	
Reported,*	386
Adopted,	572
Remarks by,	
Carson,	568, 570
Connelly,	564, 565, 566, 567, 568, 570
English,	563, 564, 769
Fisher,	566, 567, 572
Gordon,	565
McCormick,	565, 566, 570
Pepper,	564, 565, 567, 569, 571, 572
Reed,	565, 566, 568, 569, 570, 572, 769
Shaffer,	564, 565, 568, 572

	Page.
Section 19-A (new section)—	
Reported,*	609
Defeated,	770
Remarks by,	
Reed,	769
English,	769
Section 20 (see article XV, section 2)—	
Reported,*	386
Adopted,	572
Section 21 (see article IX, section 7)—	
Reported,*	386
Postponed,	577
Adopted,	583
Reconsideration of vote,	611
Postponed,	611
Adopted as amended,	755
Remarks by,	
Alter,	582
Carson,	573, 574, 577, 751, 752, 753, 754
Connelly,	573, 574, 575, 577, 745, 747, 748, 754
English,	576, 581, 611, 750, 753, 754
Fisher,	577, 581, 743, 744, 748, 752, 753
Gordon,	575, 746, 748, 752, 754
Pepper,	574, 577, 743, 744, 746, 749, 752, 753, 755
Reed,	746, 755
Schaffer,	574, 748, 753, 754
Section 22 (see article IX, sections 8 and 15)—	
Reported,*	386
Postponed,	584
Adopted as amended,	759
Remarks by,	
Connelly,	583, 584, 756, 757, 758
English,	756, 757, 758
Fisher,	757, 758
Pepper,	584, 756, 757, 758
Schaffer,	757 758
Section 23 (see article IX, section 10, and article XV, section 3)—	
Reported,*	386
Postponed,	587
Adopted as amended,	760
Remarks by,	
Alter,	585
Connelly,	585, 586, 759, 760
English,	585
Pepper,	586, 759, 760
Schaffer,	586
Section 24 (new section)—	
Proposed by Mr. Pepper,	608
Placed on calendar,	608
Defeated,	762
Remarks by,	
Pepper,	608, 760
Reed,	762
Schaffer,	761, 762

ALTER :

Article I—	
Section 5-A,	297, 298
Article II—	
Section 6,	47, 48, 49
Article III—	
Section 2,	53, 54, 55, 56
Section 3,	66, 179, 180, 181, 700
Section 4,	58, 59, 60
Section 6,	61, 62, 64, 700
Section 7,	70
Section 7-A,	95
Section 12,	73
Section 13,	191
Section 15,	213, 214, 216, 222, 246, 506
Section 16,	433, 434
Section 17,	248, 337, 338, 345, 381, 382, 383, 384
Section 18,	386
Section 20,	84
Section 21-A (amendment of Nov. 2, 1915),	198
Section 22,	86, 87, 194
Section 24,	90
Article IV—	
Section 1,	97
Section 3,	99, 100, 101
Section 8,	104, 106
Section 14,	109, 110
Article V—	
Section 6,	624, 627
Section 11,	674
Section 21,	655
Section 27-A,	688
Article VIII—	
Section 1,	140, 705, 706
Section 8,	147
Section 9,	147, 159, 160
Section 16,	708, 710
Article IX—	
Section 4,	452, 454
Article X—	
Section 1,	552, 559
Article XIV—	
Section 5,	172, 234, 235
Section 7,	162, 164, 166, 167, 726, 727
Article XV—	
Section 3,	613
Proposed amendment in reference to amendments to Constitution of the United States,	205, 207
Municipalities—	
Section 4,	465
Section 5,	463, 467, 510, 511, 512, 513, 515, 521, 522
Section 7,	470
Section 12,	473
Section 18,	561

	Page.
Section 21,	582
Section 23,	585
CARSON:	
Article I—	
Section 5-A,	298
Article II—	
Section 6,	47, 48
Article III—	
Section 2,	55, 56, 57
Section 3,	66
Section 4,	59, 60
Section 6,	61, 63
Section 13,	73, 75, 76
Section 15,	217, 220, 222, 230, 231, 447, 449, 450
Section 16,	436, 438
Section 17,	262, 290, 330, 338, 359, 364, 365, 366, 377, 379, 384
Section 22,	87
Section 24,	89, 90
Section 25,	92
Section 27,	93
Article IV—	
Section 1,	97
Section 8,	104
Section 13,	109
Section 21,	113
Article V—	
Section 1,	307, 308
Section 2,	310, 313, 315, 316, 319
Section 3-A,	321
Section 4,	322, 323, 324, 325, 326, 327, 328
Section 6,	624, 625, 626, 627, 628
Section 7,	626
Section 11,	632, 662, 663, 671, 676
Section 12,	633
Section 13,	637
Section 14,	633
Section 16,	639
Section 18,	640, 703
Section 19,	640
Section 20,	640
Section 21,	641, 649, 654, 655, 659
Section 22,	683
Section 24,	684, 685
Section 27-A,	687, 689, 693, 694
New section (reference by legislature to supreme court),	703
Article VIII—	
Section 1,	707
Article IX—	
Section 1,	714, 721
Section 2,	718
Section 2-A,	740
Section 4,	394, 395, 396, 397, 398, 401, 450, 451
Article X—	
Section 1,	552

	Page.
Article XIV—	
Section 5,	233, 234, 235, 236, 239, 241
Article XVI—	
Section 7,	406, 407, 410, 411, 589, 590, 595
Section 10,	412
Article XVII—	
Section A-1,	414
Section 1,	416, 606
Municipalities—	
Section 2,	461 462
Section 4,	463 464
Section 5,	512, 513, 515, 516, 517, 520, 521
Section 7,	469, 470
Section 10,	472
Section 11,	473
Section 12,	479 488
Section 13,	493, 494
Section 15,	497, 498
Section 18,	502, 503
Section 19,	568, 570
Section 21,	573, 574, 577, 751, 752, 753, 754
CONNELLY:	
Article III—	
Section 7,	68, 69, 70
Section 15,	506
Municipalities—	
Section 5,	507, 508, 513, 514, 519, 520, 521, 522
Section 18,	560, 561, 562, 563
Section 19,	564, 565, 566, 567, 568, 570
Section 21,	573, 574, 575, 577, 745, 747, 748, 754
Section 22,	583, 584, 756, 757, 758
Section 23,	585, 586, 759, 769
CUYLER:	
Article V—	
Section 21,	643, 644, 651, 652, 654, 656, 659
Section 27-A,	691
Article VIII—	
Section 1,	140, 141
Section 9,	147
Article X—	
Section 3,	153, 154
Article XIV—	
Section 5,	174
Section 6,	156
Section 7,	164, 166, 167
ENGLISH:	
Article I—	
Section 5-A,	297
Article II—	
Section 6,	46
Article III—	
Section 3,	161
Section 14,	76, 77
Section 17,	332
Section 20,	192

Page.

Article V—	
Section 21,	660
Article VIII—	
Section 11,	616
Article IX—	
Section 1,	714, 721, 724
Section 7,	152
Article X—	
Section 3,	154
Article XIV—	
Section 5,	238, 239, 240, 241, 242
Section 7,	725
Article XV—	
Section 3,	613
Article XVIII—	
Section 1,	614, 770
Municipalities—	
Section 5,	509, 521, 523, 581, 587, 588
Section 7,	519
Section 12,	762, 769
Section 18,	560
Section 19,	563, 564, 769
Section 19-A,	769
Section 21,	576, 581, 611, 750, 753, 754
Section 22,	757, 758
Section 23,	585
FISHER:	
Article II—	
Section 5,	45
Section 6,	47
Article III—	
Section 2,	57
Section 3,	181
Section 6,	64
Section 13,	191
Section 15,	209, 215, 223, 226, 243, 245, 247, 440, 441, 445, 446 447, 448, 450, 528, 530, 531, 532
Section 16,	431
Section 17,	191, 292, 344, 355, 369, 378
Section 18,	386
Section 21-A (amendment of Nov. 2, 1915),	198, 611
Section 22,	88, 194
Section 25,	92
Section 33,	95
Article IV—	
Section 1,	98
Section 8,	106
Section 21,	197
Article V—	
Section 1,	307, 308
Section 2,	315
Section 4,	323
Section 11,	631, 674, 675, 676

	Page.
Section 14,	638
Section 21,	645, 648, 656
Section 27-A,	687, 690, 691, 698
Article VIII—	
Section 1,	133, 139
Section 11,	615
Section 16,	708, 709, 710
Article IX—	
Section 1,	390
Section 2-A,	740
Section 4,	402, 403, 451, 452, 453, 454, 455
Section 15-A,	742 743
Article X—	
Section 1,	558
Section 3,	153
Article XIV—	
Section 1,	170, 171
Section 5,	234, 236, 238
Section 6,	157
Section 7,	161, 165, 166, 725, 729
Article XV—	
Section 3,	613
Article XVI—	
Section 7,	411, 590, 591, 603
Article XVII—	
Section 6,	419, 420
Section 7,	420
Proposed amendment in reference to amendments to Constitution of the United States,	199, 203
Municipalities—	
Section 4,	463, 464
Section 5,	467, 468, 587, 588
Section 7,	470
Section 12,	485, 487, 768
Section 15,	498
Section 18,	502, 503, 562
Section 19,	566, 567, 572
Section 21,	577, 581, 743, 744, 748, 752, 753
Section 22,	757, 758

FOX :

Article I—	
Section 1,	39
Article II—	
Section 5,	45
Article III—	
Section 3,	57, 66
Section 6,	62, 64
Section 14,	77
Section 15,	228, 242, 243
Section 17,	361, 363, 364, 365, 377, 385
Section 20,	85
Article IV—	
Section 3,	102

	Page.
Article V—	
Section 2,	312, 317
Section 3-A,	321
Section 4,	323, 324, 327, 682
Section 6,	627, 628
Section 11,	677
Section 16,	639
Section 18,	702, 703
Section 21,	645, 659
Section 24,	684
Article VI—	
Section 4,	126
Article VIII—	
Section 1,	137, 141, 142
Section 16,	711
Article IX—	
Section 1,	714
Section 2,	391, 392
Section 2-A,	737
Section 4,	454
Section 15-A,	743
Article XIV—	
Section 5,	172, 238, 240
Article XVII—	
Section 4,	458
Section 7,	420
Section 10,	422
Municipalities—	
Section 4,	464
Section 7,	469, 470, 471
Section 12,	488
Section 13,	495
Section 15,	498

GORDON:

Article II—	
Section 5,	45
Article III—	
Section 2,	53, 54
Section 3,	66, 181, 182, 185
Section 6,	61, 62, 63, 65, 66
Section 7,	69
Section 13,	75, 76, 185, 186
Section 15,	231, 232, 245, 442, 445, 447, 449
Section 17,	190, 248, 257, 266, 273, 274, 284, 330, 344 345, 372, 377, 378, 379, 380
Section 22,	193
Section 25,	91, 92
Article IV—	
Section 1,	97
Section 3,	100, 101
Section 14,	109
Section 21,	197

	Page.
Article V—	
Section 1,	307, 309, 310
Section 2,	311, 317
Section 4,	323
Section 11,	668, 669, 670, 680
Section 12,	633, 771
Section 21,	657, 659
Section 24,	684, 685
Section 27-A,	694
Article VII—	
Section 1,	127
Article VIII—	
Section 1,	132, 140, 144, 705, 706
Section 9,	160
Section 16,	708
Article IX—	
Section 2,	716, 718
Section 2-A,	741
Section 4,	393, 394, 395, 453, 454
Article X—	
Section 1,	548, 554, 557, 558, 559
Section 3,	153
Article XIV—	
Section 1,	170
Section 5,	173, 233, 237, 240, 241
Section 6,	157, 158
Section 7,	161, 162, 165, 166, 729
Article XVI—	
Section 7,	407, 410, 411, 591, 592, 594, 598, 601
Article XVII—	
Section 4,	456, 459
Section 6,	418, 460
Article XVIII—	
Section 1,	770
Municipalities—	
Section 12,	483, 488, 492
Section 18,	562
Section 19,	565
Section 21,	575, 746, 748, 752, 754

KELLY:

Article II—	
Section 5,	46
Article III—	
Section 6,	61, 62
Section 17,	282, 339
Article IV—	
Section 14,	110
Article V—	
Section 2,	314
Section 4,	323
Section 6,	627
Section 11,	629, 630, 631, 663, 664, 665
Section 21,	652, 658

	Page.
Article VIII—	
Section 1,	139
Article IX—	
Section 1,	391
Section 2-A,	735, 739, 740
Section 15-A,	733, 734, 742, 743

McCORMICK:

Article III—	
Section 15,	212, 213, 214, 216, 217, 229, 230, 243, 244, 245, 247, 425 426, 445, 446, 447, 448, 525, 526, 527, 528, 529, 531, 532
Section 16,	429, 430, 431, 433
Section 17,	186, 190, 283, 284, 294, 330, 344, 351, 366, 368, 380, 383
Article V—	
Section 2,	318
Article IX—	
Section 4,	398, 402, 452, 453, 454
Article XIV—	
Section 5,	235
Section 7,	167
Proposed amendment in reference to amendments to Constitution of the United States,	206
Municipalities—	
Section 5,	512, 513, 515
Section 12,	485, 486, 487
Section 18,	502
Section 19,	565, 566, 570

MILLER:

Article III—	
Section 17,	190, 255, 331
Article VIII—	
Section 1,	131
Section 7,	614
Article X—	
Section 1,	557
Proposed amendment in reference to amendments to Constitution of the United States,	207

MUNCE:

Article V—	
Section 11,	680
Article IX—	
Section 4,	400
Article XIV—	
Section 7,	163, 580, 622, 725, 726, 728

PEPPER:

Article I—	
Section 6,	40

	Page.
Article XVI—	
Section 6,	405
Section 7, .....405, 407, 409, 411, 589, 590, 591, 592, 593, 595, 601, 732	412
Section 10,	413
Section 11,	413
Section 12,	413
Section 13,	414
Article XVII—	
Section A-1,	414, 415
Section 1,	415, 416, 605, 606
Section 2-A,	604
Section 4,	455, 458, 459
Section 6,	418, 419, 420, 459, 460
Section 7,	420
Section 8,	421
Section 10,	421, 422
Section 11,	422
Article XVIII—	
Section 1,	614
Proposed amendment in reference to amendments to Constitution of the United States,	200-204
Municipalities—	
Section 2,	461
Section 4,	463
Section 5,	466, 467, 468, 511, 514, 517, 521, 523
Section 6,	468
Section 7,	468, 469, 470
Section 8,	471
Section 10,	472
Section 11,	472, 473
Section 12,	473, 478, 479, 485, 491
Section 13,	493, 494, 495
Section 15,	497, 498, 499
Section 16,	500
Section 17,	500
Section 18,	501, 502
Section 19,	564, 565, 567, 569, 571, 572
Section 21,	574, 577, 743, 744, 746, 749, 752, 753, 755
Section 22,	584, 756, 757, 758
Section 23,	586, 759, 760
Section 24,	608, 760

PINCHOT:

Article I—	
Section 6,	40
Article II—	
Section 1,	44
Article III—	
Section 2,	52, 56
Section 13,	185
Section 14,	76, 77
Section 15,	217, 222, 223, 228
Section 17,	382, 383
Section 21-A (amendment of Nov. 2, 1915),	198

	Page.
Article IV—	
Section 11,	108
Article VIII—	
Section 1,	130
Article IX—	
Section 4,	393, 394, 395, 396, 397, 398, 401, 402
Article XIV—	
Section 6,	156
Article XVI—	
Section 7,	409
Article XVII—	
Section 1,	416
Proposed amendment in reference to amendments to Constitution of the United States,	200-203
REED:	
Article I—	
Section 6,	40
Article II—	
Section 6,	48, 49
Article III—	
Section 3,	184
Section 6,	62
Section 7,	69, 70
Section 15,	221, 229, 505, 506, 525, 527, 529, 530
Section 17,	265, 295, 343, 344, 370, 383
Section 20,	83, 84
Section 22,	86, 87, 88, 195
Section 25,	92
Article IV—	
Section 1,	96, 98
Section 3,	99
Section 11,	108
Section 16,	111
Article V—	
Section 2,	310, 315, 316
Section 4,	327, 328
Section 6,	625, 626, 627
Section 11,	630, 632, 662, 678, 679
Section 13,	637
Section 21,	652, 659, 661
Section 24,	684
Section 27-A,	686, 687, 690, 694, 698
Article VIII—	
Section 1,	127, 129, 130, 131, 132, 133, 137, 139, 140, 141, 705, 707
Section 16,	709
Article IX—	
Section 1,	389, 620, 621, 712, 713, 714, 715, 720, 724
Section 2-A,	740
Article X—	
Section 1,	555, 557, 558
Article XIV—	
Section 1,	170
Section 5,	242
Section 6,	156
Section 7,	161, 727

Page.

Article XVI—

Section 7,	408, 410, 412, 593
Proposed amendment in reference to amendments to Constitution of the United States,	199, 200, 201, 203, 204, 206
Municipalities—	

Section 5,	508, 510, 511, 512, 515, 516, 521, 522
Section 12,	762
Section 18,	561, 562
Section 19,	565, 566, 568, 569, 570, 572, 769
Section 19-A,	769
Section 21,	746, 755
Section 24,	762

SCHAFFER:

Article I—

Section 1,	41
Section 5-A,	297, 298

Article II—

Section 6,	46, 49
------------------	--------

Article III—

Section 2,	54, 56
Section 3,	58, 180, 182, 184, 185
Section 6,	62, 63, 64, 65
Section 13,	185
Section 14,	76
Section 15,	213, 214, 224, 229, 230, 242, 243, 244, 246, 506, 525, 526, 527
Section 16,	436
Section 17,	257, 269, 273, 274, 278, 281, 282, 285, 295, 330, 365, 366
Section 20,	84, 192
Section 21-A (amendment of Nov. 2, 1915),	198
Section 22,	193, 194
Section 24,	91
Section 27,	93

Article IV—

Section 1,	96, 97
Section 21,	197

Article V—

Section 1,	319
Section 4,	328
Section 6,	625, 627, 628
Section 11,	631, 632, 662, 663, 665, 666, 668, 669, 670, 671, 675, 679, 680, 681
Section 12,	636, 637, 770, 772
Section 13,	637
Section 14,	638
Section 21,	655, 656, 658, 659
Section 27-A,	688, 689, 691, 692, 693, 694, 697, 698

Article VIII—

Section 1,	131, 139, 140, 141, 705, 706, 707
Section 11,	615
Section 16,	710

Article IX—

Section 1,	620, 712, 713, 714, 719, 721
Section 2,	717, 718
Section 4,	397

	Page.
Article X—	
Section 1,	540, 554, 558, 559
Article XIV—	
Section 1,	170
Section 5,	172, 173, 174, 235, 238, 240, 242
Section 6,	157
Section 7,	166, 167, 725, 726, 727
Article XV—	
Section 3,	613
Article XVI—	
Section 7,	407, 411, 590, 596, 600, 601, 732
Section 10,	412
Article XVII—	
Section 4,	458
Section 7,	420
Article XVIII—	
Section 1,	614, 770
Proposed amendment in reference to amendments to Constitution of the United States,	202, 203, 204
Municipalities—	
Section 2,	462
Section 4,	463, 464
Section 5,	467, 511, 513, 514, 515, 522
Section 7,	469
Section 10,	472
Section 12,	474, 485, 486, 487, 488, 765
Section 13,	494
Section 14,	496
Section 15,	497, 499
Section 18,	501, 503, 560, 561, 562, 563
Section 19,	564, 565, 568, 572
Section 21,	574, 748, 753, 754
Section 22,	757, 758
Section 23,	586
Section 24,	761, 762
SMITH:	
Article I—	
Section 5-A,	297
Article X—	
Section 1,	533, 556
STACKPOLE:	
Article III—	
Section 15,	247
Section 16,	435, 439
Section 17,	261, 342
Article IV—	
Section 21,	197
Article VIII—	
Section 1,	141, 144
Section 16,	710
Article IX—	
Section 1,	723
Section 15-A,	734
Proposed amendment in reference to amendments to Constitution of the United States,	201

SULZBERGER:

Article II—	
Section 6,	46, 49
Article III—	
Section 2,	53, 54, 55
Section 3,	57, 58, 179, 180, 181
Section 4,	58, 59
Section 7-A,	96
Section 12,	72, 73
Section 20,	84
Section 22,	88
Section 24,	90
Article IV—	
Section 3,	100
Section 21,	196
Article VI—	
Section 4,	125
Article VII—	
Section 1,	127
Article VIII—	
Section 1,	128, 135, 140, 144
Section 8,	146
Article XIV—	
Section 5,	172
Section 7,	161, 166
Proposed amendment in reference to amendments to Constitution of the United States,	202-204

THORPE:

Article I—	
Section 5-A,	297, 298
Article III—	
Section 14,	77
Section 15,	223
Section 16,	432
Section 17,	277, 295, 336, 385, 371
Article V—	
Section 2,	318
Section 6,	625
Section 11,	665, 678
Section 27-A,	699
Article VIII—	
Section 1,	129, 130, 131, 138, 705, 707
Article IX—	
Section 2,	392
Article X—	
Section 1,	539, 540, 554, 556, 557, 559
Section 2,	153
Article XIV—	
Section 1,	170
Section 5,	172, 173, 178, 179, 241
Section 6,	156
Section 7,	161, 162, 163

	Page.
Article XVII—	
Section 4,	458
Proposed amendment in reference to amendments to Constitution of the United States,	202
Municipalities—	
Section 5,	467
Section 12,	769
FYSON:	
Article III—	
Section 15,	247
Article XIV—	
Section 7,	726, 728
VOLL:	
Article III—	
Section 17,	379
Article V—	
Section 1,	310
Section 4,	324, 325, 327
Section 11,	667, 671
Article VIII—	
Section 1,	129
Article X—	
Section 1,	554

COMPILED BY FRANCIS NEWTON THORPE, COMMISSIONER FROM ALLEGHENY COUNTY

- (11) E. A., April 10, Section 6, 4th. One township and one township reserved for the purpose for "seminaries of learning." (1055)
- (IX.) Section 1. Support of seminaries. Section 2. Regular graduation from township school to a State University. ("Citizen grants.") (1060)
- (12)—E. A., May 1, Charter of Yale University confirmed.
- (13)—E. A., April 18, 1/16 public lands for schools; ordinance accepting the act *idem*. (570) 1% exclusively (net proceeds of lands in State) "be-stowed" on a college or university (969)
- (14)—K. A., March 2, 1/16 public lands for schools.
1. (110) Seminary of Learning; State University Legislature to safeguard endowment funds.
E. A., June 22, 1/16 acreage of state for schools. (V.) Sec. 2583 Assembly to pass laws to encourage education.
- (16)—X. (677) "Schools and a Seminary or Seminaries of Learning." Fund to be invested but no appropriation provided for.
- (17)—IX. Section 4. Legislation in provide efficient means for the improvement and permanent security of the funds of the University. (402)
VIII. Sections. (1018) "County Seminaries." No State universities mentioned.
- (18)—Ter. Govt., Feb. 28, Sections 16 and 36. Provision for public schools.
- (19)—VIIII. Section 1. Same as in 1826. (392)
- (11)—X. (629) Same as in 1828.
- (12)—XI. (148). Fifteen sections; University and Agricultural College; land scrip
(13)—IX. Section 4. So much of annual revenue of the State as may be necessary shall be faithfully appropriated for establishing and maintaining the free schools and the University.
- (14)—IX. (716) The Legislature "shall provide for the liberal maintenance of a university;" Instruction free. Section 2.
- (15)—VI. Three sections. Public schools only. (835)
(16)—VIIII. Section 2. (1635) Lands, money or other property shall be granted or received to be "faithfully applied for school, college, seminary or university purposes."
- (17)—XIV. Section 2. Schools or universities; school fund to be used for them only. (358)
- (18)—XIII. 11 sections. (176) State University, Agricultural and Mechanical colleges. Board of Trustees representing each congressional district.
(19)—E. A., March 3, 72 sections of land set apart for support of a State University. Section 10. (472)
(20)—VII. "State institutions and educational shall be supported by the State." (1924)

IX. Sixteen sections; six Regents elected for six years. See. 12. (391)
(21)—VIIII. Six sections. (808) University recognized. "The Legislature may from time to time make such donation thereto as the condition of the Treasury will authorize." See. 6. (828) "and to my rule or authority not exceeding one in number for persons of color."

(22)—IX. Section 9. "The University of California a public trust." (332)
(23)—XII. Fifteen Sections. Public schools only. (733)
(24) IX. Eleven sections. University funds \$10 per acre sold in lots of not less than 160 A. Section 10. 1937 3581
(25) Act for admission (1890 July 2) referring to act of Feb. 18, 1881, 72 sections of land to be sold at not less than \$10 per acre for university (914)
See. 8. University of Moscow 50,000 A.; scientific school 100,000 A. (1915)
(26)—Free public schools. (628)
(27)—XIV. Sections 256 270. (226). Section 261. State University as in 1875; and less than \$26. Scientific agricultural College. (228)
(28)—XI. School system primary—university. Ten sections. University (Sections 1, 5, 6) Board of Regents. Legislature to establish and maintain above. (Section 1)
(29)—Chap. V. Section 2. (Encouragement of literature.) (1907) Section 1. Howard University subject to the General Court. (1907) Legislature not compelled to make appropriations.
(30)—Territorial Govt., June 4. "Schools and means of education to be provided by the Legislature." (213)
(31)—VIIII. (1663) "Shall endow colleges and academies." State controlling same.
(32)—E. A., March 6, Section six, 6th. "Lands for a seminary of learning." (218) VI. The General Assembly to take measures for the improvement of lands for "the support of a seminary of learning." See. 2. (1261)
(33)—X. Five sections. (1639) Sec. 5. The Legislature shall support a University.
(34)—June 23. Supplementary enabling act. 72 sections of land for a State University. (1928)
(35)—S. E. A., March 3. "Ten townships for a University." See. 6, 2. (1119)
(36)—VII. University of Louisiana. (1406) The Legislature under no obligation to contribute to the establishment or support of said University by appropriation." (1407)
(37)—IX. Section 5. University confirmed; Legisla-ture to make funds secure and to make appropriations for the improvement of the University. (1133)
(38)—XIII. Twelve sections. Eight Regents of the Uni-versity elected; two for 2 years, two for four years, two for six years, two for eight years (1961) Sec-tion ten Legislative shall make appropriations for the University. (1962)
(39) Provision of 1815 repeated. (1126)
(40)—Toupee constitution VII. Section 3. Provi-sions for State University. (1189) Constitution referred to Congress.
(41)—IX. Fifteen sections. State Board of Education. University confirmed. Section 812 relate to State University. (1151)
(42)—Lexington constitution XIV. Five sections. "Schools," no mention of a university. (1211) Constitution rejected by Congress.
(43)—E. A., Feb. 26. (1899) Seventy-two sections of land for the State University. VIII. Six sections. See. A confirms the University of Minn. (2009) See decision in 25 Minn. 1 as to constitutionality of law providing for support of education.
(44)—VII. Inexpensive constitution XIV. Nine sections. "A complete system of public instruction," "primary," "collateral," "secondary." (1332) Constitution rejected by Congress.
(45)—Wyandotte constitution. VI. Nine sections. Sec-tion 7. "State university;" "conservation of uni-versity fund." (1273)
(46) Title XI. Art. 10 §13. "A university shall be established in the city of New Orleans. It shall be composed of four faculties: Law, Medicine, Natural Science, Letters." Terr. Legistature shall provide by law for its organization and initiate same. (1416)
(47)—VIII. Six sections. "Free public schools." (1772)
(48)—IX. Nine sections. Section 5 (2213) Appropria-tions shall be made for the University.
(49)—VIII. Three sections. (1816) Public schools; "Efficient system established by General Assem-bly."
(50) VII. Article 141. "One-half of the funds derived from the poll tax shall be appropriated exclusively to the support of the free public schools through-out the State and the University of New Orleans." (1466) Art. 142. "A University shall be estab-lished and maintained in the city of New Orleans." (1466)
(51)—VIII. Two sections. Section 8. The Legislatre to provide for agricultural colleges. 210,000 acres by the land scrip act of Congress, July 2, 1865, as a basis. Section 9. The university fund to be unencumbered. (2081)
(52)—XI. Eleven sections. (2263) "The public school fund, the annual income of which, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose shall be faithfully appropriated for establishing and main-taining the free public schools and the State University."
(53) Article 230-232. "State University." (1506) General Assembly to appropriate "not to exceed \$10,000,000 annually." Also appropriation to La. State University and Mechanical College. (1510) To the University of New Orleans for colored per-sons. Yearly appropriations of not less than \$5,000 or more than \$10,000. (1519)
(54) K. A., Feb. 22, Sec. 10. (2293) Every sixteen-th and thirty-sixth section of land for support of com-mon schools. Sec. 14. Seventy-two sections for State University. (2294) XI. Twelve sections. Sec. 12. The funds of the University to be inviolate. (2324)
(55) Sections 183-189. "Tax for endowment and main-tenance of Agricultural and Mechanical College." (3311)
(56)—VIII. Sections 201-213. Section 213. Land scrip act of Congress July 2, 1865 for the Agricultural and Mechanical college of Miss. and the Alcorn and Mechanical college. The Legislature shall preserve intact the endowment to, and support said colleges." (2112-2116)
(57) Articles 218-261 (1675) Art. 255. For Louisiana State University and Agricultural and Mechanic-al College, the Assembly to cause evenly apporportion of not more than \$15,000,000. Tulane Uni-versty, N. O., "some part of the constitution of the State." (1577)
Article 256. Louisiana State Normal School, Indus-trial and College of Louisiana; Southern Univer-sity for "persons of color in S. O. la. Industrial Institute on mortgage of \$15,000,000 appropriation yearly. Southern University not to exceed \$40,000 (1577)
(58) XI. Fifteen sections. Sections 35. Board of regent Regent; Section III. "The Legislature shall maintain the University, the College of Mines, the State Agricultural College, the State Normal College and such State Normal Schools and other educational institutions as may be established by law."
(59) Sec. II. "All useful learning shall be duly en-couraged and promoted in one or more universi-ties." (3991)
(60)—VI. Provision for public teachers. (2454) En-couragement of literature. (2467)
(61)—VII. Sec. 2. "The arts and sciences shall be promoted in one or more seminaries of learning." (3999)
(62)—VI. Recognition of local Christian schools. (2172)
(63)—VIII. "The arts and sciences shall be promoted in one or more seminaries of learning." (3112)
(64)—VI. Two sections. Public Schools. (2225)
(65)—E. A., Feb. 14. Sec. 4. 72 sections of land for State University. VIII. Five sections. See 5. Education Board; Gov. Sec. of State, State Treas-urer Commission for sale of school and univer-sity lands. (3011)
(66) E. A., April 18, Section 10. (2346) Seventy-two sections of land for a State University.
(67) Ten sections. The Legislature shall establish a State University. Sec. 4 (2419) Sec. 3. Shall appropriate for its support. Sec. 5 Establish system "primarily to the university."
(68)—Education." Sec. 2 (2358) The university lands not to be sold or aliened at less than \$5.00 per acre.
(69)—IX. Seventeen sections. (2871). Sec. 5. "The University of S. C. is under control of the State and shall be held to an inseparable connection with the free public school system of the State." Sec. 6. "As far as practicable," tuition is free in the University. Board of Education consisting of Gov., Lieut. Gov., Sec. of State, Treas., Auditor, Supr. of Public Works, Supl. of Public Inst., Atty. Gen.—Eleven trustees for four classes, one fourth every year. (2818) Sec. 16. The Legislature shall maintain a Department of Agriculture at the University.
(70)—X. Three sections. Sec. 1. Public School (31424)
(71)—VIII. Twelve sections. (2378) University lands not to be sold for less than \$7.00 per acre or their appraisal are value. Sec. 8. (2379), Sec. 10. The Legislature to control the University of Ne-braska. Board of Regents. (2379)
(72) IX. Fifteen sections. Section 6. The Univ. of N. C. reorganized. Sec. 7. The General Assembly to provide the benefits of the University as far as pertaining to the youth of the State. (2838)
(73)—Amendment. Sec. 6. (2149) "The Legislature to levy a special tax of not more than two mills on the dollar on all taxable property in the State for the support and maintenance of said University and common schools." Feb. 11, 1889.
(74) K. A., Feb. 22, Sec. 11. (2294) 72 sections of land for State University. VIII. 14732 Col-leges, Universities, etc., "under the absolute con-trol of the State." (2872)
(75) IX. Four sections. The University of the State of New York reorganized. Sec. 2. (2520) Non-regents.
(76) Amendment. (2193) The Legislature to support Seminaries, i.e. higher education. Article 82 Encouragement of Literature similar to Mass. (1789)
(77) E. A., June 16. Sec. 8. University land. (2967) Sec. 12. 150,000 acres set apart as university fund. Sec. 30. All education north the control of the State. (2677) Sec. 31. 300,000 acres of land for Agricultural and Mechanical colleges. 200,000 acres of land for the School of Mines. (2978) XI. Six sections. Sec. 5. Sec. 13. "In every portion of the State for a university and university preparatory school, under exclusive con-trol of the State." (3320)
(78)—XII. Thirteen sections. Sec. 6. State board of Education Governor, State Superintendent of Schools and five appointees by the gov. Sec. 13. Legislative appointments to Univ. of New Mex-and the N. M. College and the School of Mines and the N. M. Military Inst. and the N. M. Normal University and the N. M. Normal Schools, Spanish American Schools, etc.
(79)—VII. Four sections. Public Schools. (2225)
(80)—Sec. XI. State University. (1072) X. Eight sec-tions. Sec. 2. The University of Wisconsin recognized. Sec. 6. The State University and the University fund; support of the State University. (409

